

CANBY CITY COUNCIL

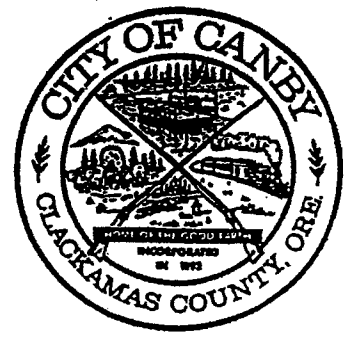
Regular Session

April 21, 2004

AGENDA – 7:30 PM – Council Chambers

1. OPENING CEREMONIES:
 - A. Call to Order, Flag Salute
2. PRESENTATIONS:
 - A. Employee of the Month Pg. 1
 - B. Hometown Hero Award Pg. 2
3. PROCLAMATION:
 - A. National Association of Letter Carriers National Food Drive Day Pg. 7
4. CITIZEN INPUT ON NON-AGENDA ITEMS:
5. CONSENT AGENDA:
Minutes – Workshop, March 31, 2004
Minutes - Regular Meeting and Executive Session, April 7, 2004
Accounts Payable - \$238,126.70
Amendment to Employment Agreement with Municipal Judge Pg. 8
6. COMMUNICATIONS:
7. PUBLIC HEARING:
 - A. ZC 04-01 Netter Pg. 11
8. NEW BUSINESS:
 - A. Res. 855, Establishing Salary Compensation Scales for Management Personnel Pg. 56
9. UNFINISHED BUSINESS:
10. RESOLUTIONS & ORDINANCES:
 - A. Res. 853, Opposing Expansion of UGB South of the Willamette River Pg. 59
 - B. Res. 856, Announcing Intention to Reimburse Incurred Costs on Hazel Dell Way Pg. 72
 - C. Ord. 1136, Amending Canby Municipal Code Chapter 2.64 Regarding Appointments to the Bicycle & Pedestrian Advisory Committee for the City of Canby (2nd Reading) Pg. 74
 - D. Ord. 1137, Amending Canby Municipal Code Chapter 2.20 Regarding Appointments to the Library Board for the City of Canby Public Library (2nd Reading) Pg. 76
 - E. Ord. 1138, Vacating a Portion of S. Sequoia Parkway Conveyed for Public Right-of-Way Purposes in the Recording of Canby Market Center Plat (2nd Reading) Pg. 78
11. MANAGER’S REPORT:
12. CITIZEN INPUT:
13. COUNCILORS’ ISSUES:
14. ACTION REVIEW:
15. EXECUTIVE SESSION: ORS 192.660(1)(e) real property and ORS 192.660 (1)(h) pending litigation
16. ADJOURN:

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233.*



CITY COUNCIL SIGN-IN SHEET

Date: April 21, 2004

PLEASE PRINT CLEARLY

NAME _____

ADDRESS

Wade Patterson

1741 N MAPLE ST

CARRIE RICHTER

121 SW MORRISON ST #12 PTD 97204

Ceslie Ann Hauer

375 Portland Ave, Gladstone 97027

PAT SISUL

375 PORTLAND AVE. GLADSTONE 97027

Ed Netter

334 SE 10TH AVE (cont. Of 97013)

Irene Breshears

1000 N.E. 10th Century, or 970/3

Lila & Curtis Gottman

10381 S. mulino Rd Canby

Arnette McIsaac

344 SE 7th Way Pensacola

Boa Big house

3616 S.E. 7th Way Can be

John D. Swan

220 S. WACNET ST. CARLETON

John H. Law

378 SE 7TH WAY CARBON

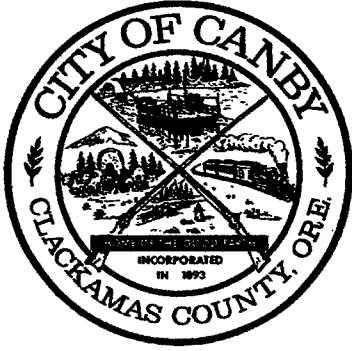
1 Secret

Cat Sumrains

CO 111 146 A05 005 331 ADV 07319

Sean Patterson

370 S. 9th Ave.

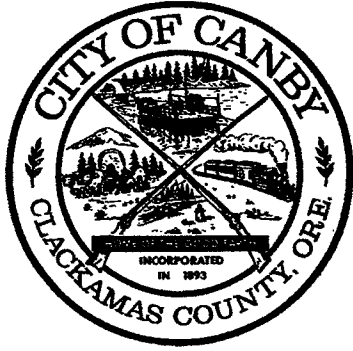


City Council FYI Update

To: Mayor & City Council
Date: 14 April 2004

City Council Agenda Items for April 21 Council Meeting

1. **Presentation - Employee of the Month for February:** The Employee of the Month Award will be presented to Beth Saul, Library & Parks Director. Attached is a copy of the nomination write-up.
2. **Presentation - Hometown Hero Award:** The Hometown Hero Award will be presented to the children of Bob Rapp in recognition of Mr. Rapp longstanding service to the community. A copy of the certificate and letters of nomination are included in the agenda packet. We have engraved Mr. Rapp's name on the permanent plaque displayed in City Hall.
3. **Proclamation - National Association of Letter Carriers National Food Drive Day:** This is a proclamation presented annually for this event. In the past, councilors and the Mayor have brought food items to the meeting to give to the sponsors of the food drive.
4. **Consent Agenda:** In addition to the payments of invoices and approval of minutes, we have added a request from the Municipal Court judge for an amendment to his contract with the City. A staff report is attached along with a copy of the proposed contract amendment.
5. **Public Hearing - Zone Change 04-01 (Netter):** This public hearing is in response to an application filed by Ed Netter to change the zoning designation of a tax lot from low density residential to high density residential. The matter has been brought before the Planning Commission and they voted 5-0 to recommend that the Council deny the application citing the application's failure to meet criteria in the Comprehensive Plan and Land Development & Planning Ordinance. Final disposition of this application rests with the City Council. A staff report prepared by Associate Planner Darren Nichols is attached along with various exhibits.



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6. **New Business - Resolution 855 Re: Compensation Adjustment for Management Classifications:** At the request of the Mayor and Council President, this resolution has been placed on the April 21 agenda. It reflects the Council's desire to make a baseline adjustment to the Management Pay Plan of 3% for the 2004-2005 fiscal year. The resolution is attached.

RESOLUTIONS AND ORDINANCES

7. **Resolution 853 Re: a Resolution in Support of Opposing the Metro UGB Expansion South of the Willamette River:** There has been significant discussion and media coverage of Metro's proposed expansion of the UGB into an area south of the Willamette River. The Mayor has requested that staff craft a resolution opposing this expansion. Attached is a staff report laying out the background, rationale, etc. for the resolution. Based on previous Council discussions, staff is recommending your adoption of this resolution so that it can be entered into the record with Metro.

8. **Resolution 856 Re: Intention to Reimburse.** The State of Oregon requires such a resolution of the City Council in order to qualify for payment of OECDD loan proceeds for the construction of Hazel Dell Way. Staff recommends adoption of the resolution so we can move forward with this project.

9. **Ordinance 1136 - Amending CMC Chapter 2.64 (Bicycle and Pedestrian Advisory Committee).** This is before you for second reading.

10. **Ordinance 1137 - Amending CMC Chapter 2.20 (Library Board).** This is before you for second reading.

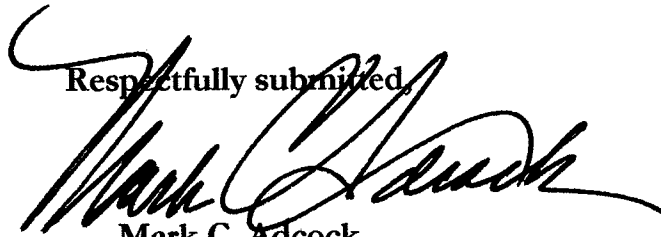
11. **Ordinance 1138 - Vacation of Public Right-of-Way (South Sequoia Parkway).** This is before you for second reading.

12. **Manager's Report:** Nothing at this time.

13. **Executive Session:** The City Attorney has asked for an Executive Session to discuss real estate. We are waiting for some appraisal documents and if they arrive by April 21, we will go forward with the Executive Session discussion.

14. **Miscellaneous Non-agenda Items:** We have a few for you to review and they are listed below.

- > Department Monthly Activity Reports
- > Letter from Deborah Sommer re: work of Facilities Planning Task Force
- > A press release regarding recent police activity.

Respectfully submitted,

Mark C. Adcock

Attachments

**City of Canby
Employee of the Month
Nomination Form**

Name of Nominee: Beth Saul

Date: 4-1-04

Department: Library & Parks

Nominated By: Margaret Yochem
& Chauncey Seifried

Which of these criteria describes the reason for your nomination of this person?

- ☐ Improved quality
 - ☐ Timely completion of a project
 - ☒ Demonstrates exemplary leadership and integrity
 - ☒ Excellent customer service (demonstrating exceptional customer service, an on-going commitment to customers, or innovation or creativity in customer service)
 - ☐ Overcame adverse obstacles or worked under unusual conditions
 - ☐ Increased program effectiveness or efficiency
 - ☐ Saves the City time/money
 - ☐ Improved levels of cooperation
 - ☐ Exceeds performance expectations
-

Can you please explain in 3 or 4 more detailed sentences, why you think this person should be nominated for "Employee of the Month", especially as it relates to the items(s) you checked above. Please attach an additional sheet if necessary.

Beth Saul is an incredible team player. She never hesitates when asked for help by staff members of any department. She goes out of her way to deliver excellent customer service internally as well as externally with no self righteousness or need for reward. Her reward is just to see others succeed.

When budget season comes around, Beth goes the extra mile to help Finance and the rest of the Management team put the document together. In Beth's tenure she has seen numerous changes as well as deep budget cuts, however, she has always managed to stay on top of her game and bounce back with can do spirit.

Please return this form to the Department Director of the nominee.

Chauncey Seifried
Department Director's Signature

4-1-04
Date



Hometown Hero Award

Robert Rapp

In posthumous recognition for Leadership and Community Involvement as demonstrated by tireless and longstanding contribution to the Canby Community.

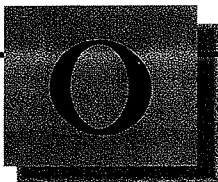
Thanks to Bob for his dedication to the Children of the Canby area, in forming Canby Kids, and serving as a coach for innumerable high school, college and little league teams.

Almost no committee or organization has been untouched by Bob's guiding force including two terms as Mayor of Canby, serving as City Administrator, as City Councilor, and on the boards of OCTS, the Chamber of Commerce, CBRD, Clackamas County Fair and many many more.

For all this and for all Bob embodied as a Citizen of Canby we honor him, from a most grateful Community, as a Hometown Hero

Melody Thompson, Mayor

Presented April 21, 2004



OLIVER INSURANCE

12-10-03

To: City of Canby

Re: Nomination of Bob Rapp for Hometown Hero

Contact Person: Shantel Harney
243 NW 2nd
Canby, OR 97013
Phone: 503-263-8737

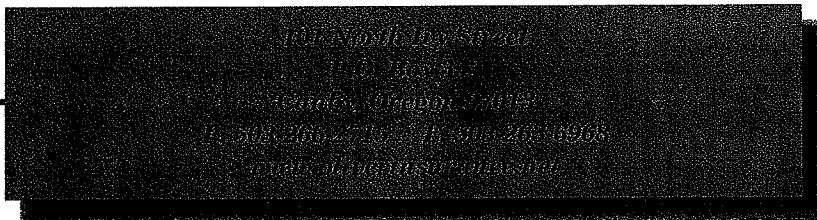
Bob Rapp is a very worthy candidate for this award. His leadership and progressive thinking were an asset as City Councilor and Mayor. The development of Maple Street Park being one of his major accomplishments. His work with Canby Kids, Inc which has been recognized by being named to the State of Oregon Softball Hall of Fame.

I would also like the City to consider naming Field #2 at Maple Street Park after Bob Rapp. This would give us Harry Wyman Field and Bob Rapp Field. These two were instrumental in creating this park.

Thank you for your consideration of Bob for the honor. I know the family would be greatly honored.

Sincerely Yours,

Wayne Oliver



December 9, 2003

Hometown Hero Nomination

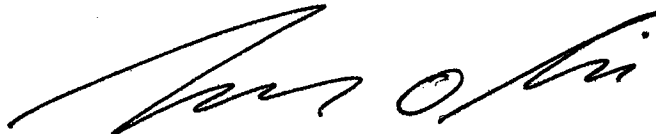
Robert Rapp

I would like to officially nominate the late Robert Rapp as a Canby Hometown Hero. Robert or "Bob" as he was known was my uncle and I was privileged enough to have his influence for first 30 years of my life but his hard work and dedication to the City of Canby and Clackamas County will go on for generations. If you look at all the things Bob did in his lifetime it really is amazing. Here is some of what Bob contributed to:

- *Forming of Canby Kids Inc.
- *Canby High School Varsity Softball Coach
- *Clackamas Community College Asst. Coach
- *Public Address announcer for Canby High Football
- *Canby Booster Club President
- *President of Oregon Softball
- *Clackamas County Fair Board
- *OCTS Board of Directors
- *Canby Adult Center building committee
- *Canby Chamber of Commerce Board
- *South Clackamas Recreation District Board
- *CBRD Board of Directors
- *Canby City Administrator
- *Canby City Council
- *Mayor of Canby (2 terms)

As you can see Bob was not just a Coach or a Mayor or a Board Member, Bob was a real Hometown Hero and Canby is a better place because of it.

With that, I hope my Uncle Bob gets consideration for this great award that I feel is truly overdue....and I hope the rest of the community can recognize Bob as so many others have.



Ryan Oliver
1155 N Ponderosa St
Canby Or 97013
503.263.7979

12/3/2003

To Whom It May Concern:

I would like to express just a few words regarding the award given for our "Home Town Hero" and who my choice would be for that award.

First it makes me very proud that our fair city takes the time to honor our heroes. Not every community does this or anything like it as far as I know.

Now to give you my choice for this award, and this is an easy one for me. Bob Rapp has given of his time so quickly and freely for so long that I think that we all come to expect it.

It was no surprise to anyone when Bob would raise his hand to spearhead a community function or an organizational project. Again and again Bob would be at the forefront of different challenges that have faced our town in the past. Many times it was projects that benefited our kids. Bob believed that the children of the community needed to have places to play, projects to work on and people to help. He gave his time to see that they had those opportunities. He built entire programs around kids getting involved and helping build those programs. What mattered to Bob was that it was something that benefited, whether it be the young or old.

We are so very fortunate to have a town with several of this type of individual, unselfish and giving of time and or money for the benefit of others. Bob truly was a step above and I think that by honoring him with this award it does our community a great service. We have this chance to show our gratitude and pride for Bob Rapp just as he did our community for so many years.

A handwritten signature in cursive script, reading "Larry N. Chapman". The signature is fluid and elegant, with a large, sweeping flourish at the end.

Larry N. Chapman

Hometown Hero Nomination:
Robert Rapp

December 6, 2003

Canby City Council,

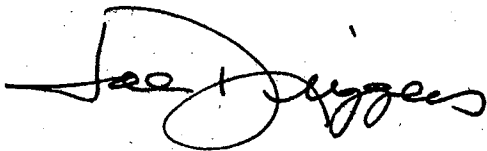
Please accept this nomination and support letter for Robert Rapp as Canby's Hometown Hero.

I had the privilege to know Bob for more than twenty-five years. He was always a positive mentor, and role model for my involvement in our community. Bob served on nearly every committee, fund raiser, commission and council in Canby and Clackamas County. I have no idea what a complete list of his activities might look like, this list is just a few of the things that I am aware of:

- City of Canby Mayor
- City of Canby Council Member
- Member of the Clackamas County Fair Board
- Canby High School Varsity Coach
- Canby Kids Volunteer, Board member and lifelong coach
- Clackamas Community College Coach
- Member of Oregon ASA Softball Hall of Fame
- Candidate for Clackamas County Commissioner
- Volunteer for numerous school and political campaigns

Thinking back, I never heard Bob tell anyone no when asked to help on a project. If the project was going to benefit Canby, Bob was in line to help. Not only did Bob volunteer often, he was a tremendous leader and contributor for every activity. His experience and wisdom were valued by everyone.

I believe that there can be few members of the Canby community that have had a greater impact over the years than the Bob Rapp. I hope that all of you can support Bob's selection as this year's Canby Hometown Hero.



Joe Driggers
972 NE 12th Place
Canby

P.S. I have heard suggestions that one of the softball fields at Maple Park be named after Bob. I think that would be a wonderful, permanent tribute for someone who gave so much of his time to the sport, and his community.



Office of the Mayor

Proclamation

"National Association of Letter Carriers National Food Drive Day"

WHEREAS, the National Association of Letter Carriers, in conjunction with the United States Postal Service, AFL-CIO, United Way and local food banks are coordinating a non-perishable food drive; and

WHEREAS, the Saint Vincent de Paul Food Bank, at Saint Patrick's Church, Seventh Day Adventist Church and Canby's local food banks are in need of food at all times; and

WHEREAS, the local food bank shelves are continually in need of replenishment due to the ongoing dramatic increase in the need for food; and

WHEREAS, local letter carriers will collect non-perishable food items placed by mailboxes on Saturday, May 8, 2004.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, May 8, 2004 as

2004 NATIONAL ASSOCIATION OF LETTER CARRIERS NATIONAL FOOD DRIVE DAY

and urge all citizens of the City of Canby to participate in this worthwhile event by donating non-perishable food items to help feed those who are in need.

Given unto my hand this 21st day of April, 2004.

Melody Thompson
Mayor

M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*
FROM: *Chaunee Seifried, Finance and Court Services Director*
DATE: *April 12, 2004*
CC *Mark Adcock, City Administrator*

Issue: AMENDMENT TO EMPLOYMENT AGREEMENT, dated April 21, 2004, to the original Employment Agreement dated July 1, 2001 between the City of Canby, Oregon, a Municipal Corporation, and Jon S. Henricksen, Municipal Judge is intended to memorialize negotiations between the parties regarding the future salary of the Judge, Jon S. Henricksen.

Background: The last CONTRACT FOR PROFESSIONAL SERVICES OF MUNICIPAL JUDGE was authorized on March 7, 2001. That contract states that the City shall pay a monthly contract fee of THREE THOUSAND ONE HUNDRED FIFTEEN dollars (\$3,115.00) and pay the PERS contribution. The amendment will eliminate the City's contribution to PERS and increase the amount to THREE THOUSAND THREE HUNDRED FIVE dollars (\$3,305.00). The Judge has filed his application with PERS to begin receiving retirement benefits. See attached letter for specifics from Judge Henrickson. All other terms and conditions of the current employment agreement shall remain in full force and effect.

Recommendation: Staff recommends that the City Council adopt this amendment dated April 21, 2004. This amendment would eliminate the City's contribution to PERS retirement program (\$380.00)/month on behalf of the Judge and increase the monthly salary to the Judge by the sum of One Hundred Ninety Dollars (\$190.00)/ month.

Fiscal Impact: The fiscal impact for the City of Canby is approximately \$190.00 savings.

Attached: Letter of request from Jon S. Henricksen for employment contract amendment, and the AMENDMENT TO EMPLOYMENT AGREEMENT Municipal Judge.

**AMENDMENT TO EMPLOYMENT AGREEMENT
Municipal Judge**

This Amendment, dated April 21, 2004, to the Employment Agreement dated July 1, 2001 between the City of Canby, Oregon, a Municipal Corporation, and Jon S. Henricksen, Municipal Judge is intended to memorialize negotiations between the parties regarding the future salary of the Judge, Jon S. Henricksen.

It is the desire of the parties to change the salary provisions, section 4, paragraph 1) c) of the existing agreement as follows:

Section 4, paragraph 1), c) is amended to eliminate the City's contribution to PERS retirement program on behalf of the Judge and increase the monthly salary to the Judge by the sum of One Hundred Ninety Dollars (\$190.00) per month.

Section 4, paragraph 1), c) is therefore amended to read "Until the expiration of this contract or otherwise terminated as herein provided, the City shall pay a monthly contract fee of Three Thousand Three Hundred Fifteen Dollars (\$3,315.00)".

All other terms and conditions of the current employment agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

CITY OF CANBY:

MUNICIPAL JUDGE:

Mayor

ATTEST:

Chaunee Seifried,
City Recorder pro tem

THE LAW OFFICES OF
JON S. HENRICKSEN, P.C.

RECEIVED

APR 07 2004

CITY OF CANBY,

Jon S. Henricksen
Attorney At Law

Nancy Martin
Executive Assistant

Bryan R. Welch
Associate Attorney

April 5, 2004

Mark Adcock
City Administrator
City of Canby, Oregon
City Hall
Canby, Oregon 97013

RE: Request for employment contract amendment for Judge Henricksen

Dear Mr. Adcock:

I am requesting that the City amend my current (5) five year contract for services to the City as follows:

1. I am today on my 62nd birthday going to file application with PERS to begin receiving monthly payments. This decision is made because of the current moratorium on earnings with the fund as well as other outside considerations.

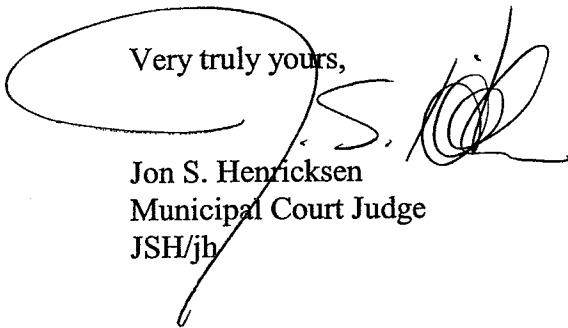
2. I am going to remain fully employed. By that I mean, nothing is going to change in my current or foreseeable future in my current position as the Municipal Court Judge, as well as my private practice of law.

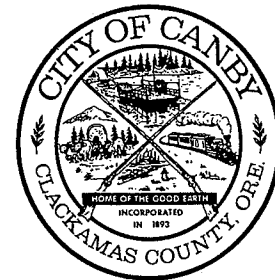
3. The current contract with the City is that I would receive \$3,115.00 per month; City pays my PERS benefits; no salary increase for 5 years from the date of the contract.

4. I am requesting an amend to the current contract, eliminating the PERS provision, effective immediately, and adding to my contract monthly amount 6% in replacement of the City's portion paid to PERS. I believe that amount would be \$190.00 per month.

Thank you for your consideration in this request, and I will await the City's decision.

Very truly yours,


Jon S. Henricksen
Municipal Court Judge
JSH/jh



M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*

FROM: *Darren J. Nichols, Associate Planner*

THROUGH: *Mark C. Adcock, City Administrator*

DATE: *April 14, 2004*

RE: *ZC 04-01*

Issue: **ZC 04-01** An application to change the zoning designation for Tax Lot 4500 of Tax Map 4-1E-4AA from Low Density Residential to High Density Residential.

Synopsis: The City Council has the final approval authority for zone change applications. The Planning Commission holds a public hearing and makes a recommendation to the Council. After holding a second public hearing, the Council then makes a decision on the proposal. If approved, the zone change is adopted by Ordinance.

Recommendation: Planning Staff and the Canby Planning Commission recommend that the City Council **DENY ZC 04/01**.

Rationale: The Planning Commission voted 5-0 recommending that the City Council deny the proposed zone change. The Planning Commission finds that the application does not meet the standards and criteria of the Comprehensive Plan and the Land Development & Planning Ordinance. The Planning Commission finds that the proposed Zone Change does not provide sufficient evidence to ensure that public facilities and services are available to adequately serve the subject parcel.

The Planning Commission discussed school crowding at Trost Elementary School and found that public school facilities are not adequate to serve the proposed increase in density. The Planning Commission also discussed traffic patterns on SE Township; the Commission found that the applicant's proposal did not sufficiently demonstrate that street access is available to serve the density of development allowed by the proposed zone change.

*Staff Report
ZC 04-01
April 14, 2004
Page 1 of 2*

Background: The subject property contains one .63 acre tax lot currently zoned for R-1 Low Density Residential development. The proposed Zone Change would amend zoning on the parcel from R-1 Low Density Residential to R-2 High Density Residential. The change would allow for a higher density of development. The applicant hopes to construct 10 attached townhomes and requests a zone change to facilitate the proposed development.

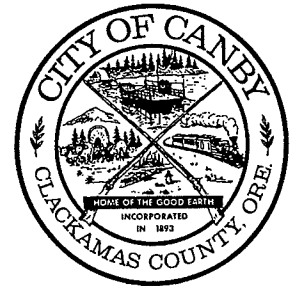
Adjacent parcels are zoned for R-1 and R-2 development

The enclosed application packet, staff report, Planning Commission findings and approved minutes of the public hearing represent the record for this application and provide more detail for the Council's decision.

- Options:
- 1. Deny ZC 04-01 as proposed.** The Planning Commission recommends this course of action.
 - 2. Approve ZC 04-01.** This option is not recommended; the Planning Commission finds that the application does not meet applicable criteria and standards.
 - 3. Approve ZC 04-01 with conditions.** The Planning Commission did not find that conditions were sufficient to serve subsequent applications for development as proposed by the applicant.

- Attached:
1. March 12, 2004 Staff Report with exhibits
 2. Planning Commission Findings
 3. Approved Planning Commission Minutes from the 03/22/2004 meeting

*Staff Report
ZC 04-01
April 14, 2004
Page 2 of 2*



- STAFF REPORT -

APPLICANT:

Ed Netter
334 SE 10th Avenue
Canby, OR 97013

OWNER:

Dwight D. Nofziger
939 N Redwood Street
Canby, OR 97013

LEGAL DESCRIPTION:

Tax Map 4-1E-4AA, Tax Lot 4500

LOCATION:

385 SE Township Road
South side of SE Township Road,
two blocks east of S Ivy Street

COMPREHENSIVE PLAN DESIGNATION:

R-2 High Density Residential

FILE NUMBER:

SUB 04-01/ DR 04-02/ ZC 04-01
(Township Trail – Nofziger / Netter)

STAFF:

Darren J. Nichols
Associate Planner

DATE OF REPORT:

March 12, 2004

DATE OF HEARING:

March 22, 2004

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to change the zoning and partition one 27,550 square foot parcel into ten residential building lots of 1,300 to 2,500 square feet for the construction of attached townhomes. The applicant proposes to provide access to newly created lots by means of a twenty foot wide shared access drive off SE Township Road. The application meets criteria for the comprehensive plan designation of R-2 High Density Residential.

II. APPLICABLE APPROVAL CRITERIA:

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

B. SITE AND DESIGN REVIEW - City of Canby Code Section 16.49.040

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections B and C above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
- 2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
- 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
- 4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

** Please see Site and Design Review Matrix on following page*

C. AMENDMENTS TO THE ZONING MAP - City of Canby Code Section 16.54.040

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures thereof, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

DESIGN REVIEW MATRIX

Parking				
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2	
Landscaping (breaking up of expanse of asphalt)	0	1		
Parking lot lighting [no / yes]	0	1		
Location (behind the building is best)[front / side / behind]	0	1	2	
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2	
Traffic				
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2	
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1		
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0		2	
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated crossing of access drive and no need to traverse length of access drive]	0	1	2	
Tree Retention				
For trees outside of the building foot-print and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		
Bonus Points				
2 or more trees at least 3" in caliper		1	2	
Park/open space retention for public use		1	2	
Trash receptacle screening		1		

Signs			
Dimensional size of sign (% of maximum permitted) [x>75% / 50% - 75% / x<50%]	0	1	2
Similarity of sign color to building color [no / some / yes]	0	1	2
Pole sign [yes / no]	0	1	
Location of sign [x>25' from driveway entrance / within 25' of entrance]	0	1	

Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	

Types of Landscaping			
# of non-required trees [x<1 per 500 SF of landscaping / 1 or more per 500 SF of landscaping]	0	1	
Amount of Grass [<25% / 25% - 50% / x>50%]	0	1	2
Location of shrubs [foreground / background]	0	1	
Automatic Irrigation) [no / yes]	0		4

D. CITY OF CANBY - General Ordinances

- 16.10 Off Street Parking/Loading
- 16.16 R-1 Low Density Residential Zone
- 16.20 R-2 High Density Residential Zone
- 16.49 Site and Design Review
- 16.54 Amendments to the Zoning Map
- 16.62 Subdivision - Applications
- 16.64 Subdivisions - Design Standards
- 16.66 Subdivisions - Planning Commission Action
- 16.68 Subdivisions - Final Procedures and Recordation
- 16.88 General Standards
- 16.95 Solar Access Standards for New Development

III. FINDINGS:

1. Location and Background

The subject property is addressed as 385 SE Township Road. The parcel is an “L” shaped piece of property located on the south side of SE Township, two blocks east of S Ivy. The parcel currently contains a vacant barn which is proposed to be removed. As proposed, new residences would be located along the southern and eastern boundaries of the parent parcel.

Access to the parcel is proposed in a “T” configuration with a single ingress/egress from SE Township Road. Drawings submitted by the applicant show a 20 foot wide access drive extending approximately 120 feet from SE Township. The drive is proposed to serve 4 parcels along the entry drive and 6 parcels along the “T” to the south. Pedestrian access will be provided by means of a 5 foot sidewalk along one side of the access drive. The proposed drive access is slightly offset from the intersection of S Locust and SE Township Road.

Neighboring properties on the south side of SE Township Road are all zoned for R-1 Low Density Residential development. Adjacent properties to the north, across SE Township are all zoned for R-2 High Density Residential development. Properties to the east and to the west are currently zoned R-1 but designated for eventual R-2 zoning according to Canby’s Comprehensive Plan. Adjacent existing homes include several single story residences on low density and medium density lots. Two properties to the west is a parcel containing the Canby Evangelical Church.

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: *The proposed development of residential housing on the subject parcel is an approved use of the property according to Comp Plan designation of R-2 High Density Residential. Existing adjacent residences are all single story homes. Proposed new residences will be required to comply with Infill Home Standards through the building permit approval process (See Condition 15).*

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: *This application would permit residential development of the subject parcel and would help to maximize the efficient use of the property. The applicant includes a development proposal for newly created parcels; access standards and residential design standards will apply at the time of development. The Planning Commission may also wish to apply additional Infill Standards to newly created parcels.*

The proposed construction of ten residential units provides a density of 15.8 units per acre. Standards for R-2 development require a minimum of 14 units per acre.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: *A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).*

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

The subject property is surrounded by urbanized parcels and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Analysis: Subsequent development of the proposed partition must meet stormwater management approval from DEQ, the City Engineer and Canby Public Works prior to the issuance of building permits.

TRANSPORTATION ELEMENT

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.

Applicable Policies:

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

Analysis: Existing street and utility improvements are sufficient to support development of the proposed partition. An approved curb cut, apron, and sidewalks are required to provide drive access to proposed parcels. Three street trees are required along the street frontage of the parent parcel (Condition 14).

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: Existing sidewalks are installed along the street frontage of the parent parcel. The applicant also proposes a sidewalk along the access drive. Condition 9 requires applicant to maintain sidewalks along the full street frontage of the parent parcel.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: The Canby Police Department and Canby Fire District received notice of the proposed partition. The Fire Marshal expressed concerns with access width and recommends that the proposed development be coordinated with adjacent properties in order to facilitate efficient access for future development.

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: All public facility and service providers were sent a "Request for Comments." The Police Department, Fire Department, Canby Utility-Water and Electric, Waste Water Treatment, Public Works, City Engineer, Traffic Safety Committee, and Canby Telephone Association responded positively, indicating that services will become available through development.

The Public Works Department requests that the applicant use directional boring equipment to access utilities under newly improved street surface. The City will not permit a street cut to access utilities in SE Township.

*The Fire Marshal expressed concerns about access to lots at the rear of the proposed subdivision. The narrow drive width will require rolled curbs and sidewalks designed to support a minimum of 50,000 pounds in order to provide sufficient access for emergency vehicles. One fire hydrant will be required at the drive access onto SE Township and parking will be prohibited on the access drive.
(Conditions 12 & 16)*

A traffic study was commissioned as part of this application. The engineer recommends that the access drive be realigned with N Locust to facilitate efficient development of the subject parcel and adjacent properties.

Neighborhood Comments:

The applicant held a neighborhood meeting on November 25, 2003. Several neighbors expressed concerns with the proposed zone change and subdivision. Neighbors to the south, directly behind the proposed subdivision opposed the project because of the density and type of housing proposed. Neighbors feel that the property should remain in the R-1 zone in order to fit in with existing development. Some neighbors were aware of the Comprehensive Plan zoning for R-2; others were unaware that R-2 zoning was a possibility (see Meeting Notes in applicant's packet).

CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed Zone Change, Subdivision and Site and Design Review, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

3. Evaluation Regarding Amendment to Zone Map Approval Criteria

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures thereof, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;

The proposed change to the zone map is in conformance with Canby's Comprehensive Plan. The subject parcel has been designated for eventual R-2 development since the Comprehensive Plan's adoption in 1984.

- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

With recommended conditions, public facilities and services are available to serve proposed development of the subject parcel.

4. Evaluation Regarding Subdivision Approval Criteria

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan.

See discussion in part III.2, above.

- B. Conformance with all other requirements of the Land Development and Planning Ordinance.

With recommended conditions, the proposed Subdivision will comply with the requirements of the Land Development and Planning Ordinance, including land use, densities, lot sizes, frontage, access, and coverage requirements.

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

With recommended conditions, the proposed Subdivision will be functional and will provide building sites, necessary utility easement and access facilities. Proposed parcels meet density and coverage requirements of the R-2 zone. Surrounding properties are all single story, single family residences. The Commission may wish to designate proposed building lots as Infill Lots in order to limit the impact on surrounding residences.

- D. No partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

No private roads will be created by this partition. Parking shall be prohibited in the private access drive. The drive shall be maintained for continuous, unhindered access for emergency vehicles (see Condition 12).

- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Public services and facilities are available to adequately meet the needs of this land division. See discussion in part III.2, above.

5. Evaluation Regarding Site and Design Review Approval Criteria

1. Parking Lot Landscaping Standards

The site has no existing landscape. The proposed site plan does not include a landscape plan. The lots are intended for sale, proposed to be landscaped by homeowners

2. Parking

The applicant intends to provide two off street spaces at the front of each dwelling (20 full size parking spaces). The minimum parking required for the site is 20 spaces (2 spaces per dwelling). Parking shall be prohibited in the access drive in order to provide continuous unhindered emergency access.

3. Access

Vehicle and pedestrian access is proposed by means of the 20' access drive from SE Township. Pedestrian access is proposed by means of interior sidewalks and walkways along street frontages. Vehicle and pedestrian access is adequate to serve the parcel.

4. Architecture and Signs

No signs are proposed on the subject parcel.

5. Availability of Adequate Public Facilities and Services

All utility providers were sent a Request for Comments. With recommended conditions, adequate public facilities are available or will become available through the development.

6. Compatibility

The proposed development offers an appropriate design for the surrounding residential neighborhood. In order to be considered "compatible", an application must meet at least 65% of the total number of points possible.

** See Design Review Matrix above and scoring below.*

CRITERIA	PTS/ POSS	NOTES
Parking		
Screening of loading facilities	N/A	
Parking lot landscaping	1/1	Landscaping in parking area.
Parking lot lighting	1/1	Parking lot lighting provided.
Location of parking	1/2	Parking on street side.
Number of parking spaces	2/2	100% of required provided.
Traffic		
Distance of access to intersection	2/2	Intersection over 100' away.
Access drive width	0/1	Drive width < 120% of required
Pedestrian access from public sidewalk	2/2	Entrance connected.
Pedestrian access from parking lot to residences	2/2	Interconnected walkways.
Signs		
n/a - no signage proposed	N/A	
Building Appearance		
Style	2/2	
Color	2/2	Colors subdued and similar.
Material	1/1	Wood siding/brick wainscoting.
Size	1/1	Buildings under 20,000 square feet.
Types of Landscaping		
# of non-required trees	0/1	The applicant is not proposing more than 1 tree per 500 SF of landscaping.
Amount of grass	2/2	>50% of the landscaping is lawn.
Location of Shrubs	?/1	Majority of shrubs in the background.
Automatic Irrigation	?/4	All areas automatically irrigated.
Bonus Points		
Trash Receptacle Screening	N/A	The trash receptacle is screened.
Park/Open Space	0/1	

Proposed Score with Bonus Points: 19/27 = 70%

7. Development Standards

The R-2 zone allows zero lot line residential development. The proposed development meets height and setback requirements in the R-2 zone and the proposed residences do not infringe on any vision clearance areas.

IV. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities necessary for development of the subject property without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

V. RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve ***SUB 04-01/ DR 04-02/ ZC 04-01*** with the following conditions:

For the Final Plat:

1. A final partition plat modified to illustrate the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application:
City of Canby File Number SUB 04-01/ DR 04-02/ ZC 04-01
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk. An approved landscape plan and a final copy of the signed, recorded map shall be provided to the Canby Planning Department prior to issuance of building permits.

3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department with the final plat.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

6. The final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
7. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.

Prior to Construction:

8. An acceptable stormwater system plan shall be approved by the State of Oregon – DEQ, the City Engineer and Canby Public Works Department.

During Construction:

9. A five (5) foot sidewalk inclusive of curb shall be maintained for the full frontage of the parent parcel along SE Township Road. Where mailboxes, fire hydrants and other obstructions interfere, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. New curb cuts and drive approaches shall conform to City of Canby standards for vehicle and pedestrian access and shall be inspected by Canby Public Works prior to installation.
10. The applicant is responsible for all costs associated with the relocation of utilities.
11. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.

12. Parking shall be prohibited in the access drive in order to provide continuous, unhindered emergency vehicle access. ***“Private Drive: No Parking”*** shall be posted by the developer in compliance with City standards for parking signage.
13. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
14. The applicant shall plant a minimum of three street trees along the frontage of the parent parcel. Additional trees shall be planted throughout the development in accordance with Canby’s Site and Design Review landscape standards. Street trees shall be placed 11’ behind the back of sidewalk and 10 feet from any sewer lateral.
15. The construction of homes on newly partitioned lots shall comply with Infill Home Standards as defined in CMC 16.21.050.
16. The applicant shall install one fire hydrant at the entrance to the development to the satisfaction of the Canby Fire Marshal.
17. The access drive and sidewalks shall be constructed to the satisfaction of the Fire Marshal in order to provide sufficient access to emergency vehicles.

Exhibits:

1. Applicant’s Packet
2. Responses to Request for Comments

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO: ☒ FIRE
☐ POLICE
☐ PUBLIC WORKS
☐ CANBY ELECTRIC
☐ CANBY WATER
☐ WWTP
☐ CITY ENGINEER
☐ CTA
☐ NW NATURAL
☐ WILLAMETTE BROADBAND
☐ CANBY DISPOSAL
☐ CANBY POST OFFICE
☐ CLACKAMAS COUNTY ASSESSOR
☐ CLACKAMAS COUNTY 911
☐ CLACKAMAS COUNTY TRANSPORTATION
☐ TRAFFIC SAFETY COMMITTEE
☐ CLACKAMAS COUNTY
☐ CANBY SCHOOL DISTRICT
☐ OREGON DEPT. TRANSPORTATION
☐ ODOT/REGION 1/DIST 2B
☐ STATE OF OREGON/REVENUE
☐ CANBY BUSINESS REVITALIZATION

The City has received **SUB 04-01 / DR 04-02 / ZC 04-01 (Township Trail)**, an application by **Ed Netter** to divide a 27,550 square foot parcel into ten lots at 385 SE Township Road. The newly created lots will contain approximately 2,000 SF. The site is located on the south side of Township Road, east of S Ivy Street (Tax Map 4-1E 4AA, Tax Lot 4500).

Please review the enclosed application and site map. Return comments to **Darren Nichols** by **Wednesday, March 11, 2004**. The Planning Commission will consider this application on March 22, 2004. Please indicate any conditions of approval you may wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

MUST PROVIDE A FIRE HYDRANT @ TOWNSHIP Rd.
& TOWNSHIP TRAIL.
PARKING WILL NOT BE ALLOWED ON THE STREET.
PROVIDE ROLLED CURBS & SIDEWALKS ARE DESIGNED TO
SUPPORT 50,000#'s

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
☐ Adequate Public Services will become available through the development
☒ Conditions are needed, as indicated
☐ Adequate public services are not available and will not become available

Signature: Don J. Jorgensen

Date: 3-8-04

Title: Fire Marshal

Agency: CFD #62

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input checked="" type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> WWTP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CTA	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION

The City has received **SUB 04-01 / DR 04-02 / ZC 04-01 (Township Trail)**, an application by **Ed Netter** to divide a 27,550 square foot parcel into ten lots at 385 SE Township Road. The newly created lots will contain approximately 2,000 SF. The site is located on the south side of Township Road, east of S Ivy Street (Tax Map 4-1E 4AA, Tax Lot 4500).

Please review the enclosed application and site map. Return comments to **Darren Nichols** by **Wednesday, March 11, 2004**. The Planning Commission will consider this application on March 22, 2004. Please indicate any conditions of approval you may wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Chief Ken Paget **Date:** 3-8-04

Title: chief **Agency:** Police

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input checked="" type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
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The City has received **SUB 04-01 / DR 04-02 / ZC 04-01 (Township Trail)**, an application by **Ed Netter** to divide a 27,550 square foot parcel into ten lots at 385 SE Township Road. The newly created lots will contain approximately 2,000 SF. The site is located on the south side of Township Road, east of S Ivy Street (Tax Map 4-1E 4AA, Tax Lot 4500).

Please review the enclosed application and site map. Return comments to **Darren Nichols** by **Wednesday, March 11, 2004**. The Planning Commission will consider this application on March 22, 2004. Please indicate any conditions of approval you may wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

FOR Installation OF Water Line. Directional Bore Township Road. The City does not want a Full Street width cut.

DE & Permit Required FOR Sanitary and Storm Systems

Please check one box:

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *Ray Hester* Date: *9 Mar. 04*

Title: *P.W. Supervisor* Agency: *City*

Jared
3-4-04
10:50 am

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

- TO:
- | | |
|--|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
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| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |

The City has received SUB 04-01 / DR 04-02 / ZC 04-01 (Township Trail), an application by Ed Netter to divide a 27,550 square foot parcel into ten lots at 385 SE Township Road. The newly created lots will contain approximately 2,000 SF. The site is located on the south side of Township Road, east of S Ivy Street (Tax Map 4-1E 4AA, Tax Lot 4500).

Please review the enclosed application and site map. Return comments to Darren Nichols by Wednesday, March 11, 2004. The Planning Commission will consider this application on March 22, 2004. Please indicate any conditions of approval you may wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

CANBY UTILITY'S LINE EXTENSION POLICY/FEES WILL APPLY

A POWER PLAN WILL BE DEVELOPED AFTER PLATT APPROVAL

ANY EXISTING UTILITIES REQUIRING RELOCATION/MODIFICATION WILL
BE AT DEVELOPER'S EXPENSE

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Judy Hochmull Date: 3-4-04

Title: LINE FOREMAN Agency: CANBY UTILITY ELECT.

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

Faxed
3-3-04
2:25pm
FAX 266-1574

P.O. Box 930, Canby, OR 97013

[503] 266-9404

DATE: March 2, 2004

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input checked="" type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |

The City has received **SUB 04-01 / DR 04-02 / ZC 04-01 (Township Trail)**, an application by **Ed Netter** to divide a 27,550 square foot parcel into ten lots at 385 SE Township Road. The newly created lots will contain approximately 2,000 SF. The site is located on the south side of Township Road, east of S Ivy Street (Tax Map 4-1E 4AA, Tax Lot 4500).

Please review the enclosed application and site map. Return comments to **Darren Nichols** by **Wednesday, March 11, 2004**. The Planning Commission will consider this application on March 22, 2004. Please indicate any conditions of approval you may wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

1) Place 8" GV by MH A-2

2) Replace an 8" GV By CO. B-2 w/ 2" GV.

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *Detrick Johnson* Date: 3/4/04

Title: Water Dept. Foreman Agency: Canby Utility

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
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Comments or Proposed Conditions:

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- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: _____

Date: 3-8-04

Title: _____

CITY ENGINEER

Agency: _____

CURRAN-MCLEOD INC

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
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Comments or Proposed Conditions:

No problems seen regarding traffic

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Madelene Elmer Date: 3-11-04

Title: Chairman Agency: Traffic Safety Comm.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
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Comments or Proposed Conditions:

PLEASE HAVE THE ENGINEERING FIRM SEND A
"FINALIZED" VERSION OF THE LAYOUT TO ME
WHEN READY.

NW NATURAL

ATTN: LEE LARSEN

3123 BROADWAY ST NE

SALEM, OR 97303

Please check one box:

☒ Adequate Public Services (of your agency) are available

☒ Adequate Public Services will become available through the development

☐ Conditions are needed, as indicated

☐ Adequate public services are not available and will not become available

Signature: _____

Date: 3-11-04

Title: _____

ENGINEERING COORDINATOR

NW NATURAL

Agency: _____

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

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Comments or Proposed Conditions:

THERE WILL BE A DEVELOPMENT FEE AT \$240.00
PER SINGLE-FAMILY HOME, PLEASE SEE ATTACHMENT.

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
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- ☐ Adequate public services are not available and will not become available

Signature: _____

Date: 3-11-04Title: ASSOCIATEENG.Agency: CANBY TELEPHONE ASSN.

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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Comments or Proposed Conditions:

EXTENSION OF CABLE PLANT WILL BE AT DEVELOPERS EXPENSE

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
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- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *James L. Schuman* Date: *3/3/04*

Title: *CONSTRUCTION AGENT* Agency: *WBB*

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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Comments or Proposed Conditions:

See attached.

Please check one box:

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature:



Date:

3/11/04

Title:

Superintendent

Agency:

Canby School District

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 2, 2004

TO: ☐ FIRE
☐ POLICE
☐ PUBLIC WORKS
☐ CANBY ELECTRIC
☐ CANBY WATER
☐ WWTP
☐ CITY ENGINEER
☐ CTA
☐ NW NATURAL
☐ WILLAMETTE BROADBAND
☐ CANBY DISPOSAL

RECEIVED
MAR 03 2004
ENGINEERING

☐ CANBY POST OFFICE
☐ CLACKAMAS COUNTY ASSESSOR
☐ CLACKAMAS COUNTY 911
☐ CLACKAMAS COUNTY TRANSPORTATION
☐ TRAFFIC SAFETY COMMITTEE
☐ CLACKAMAS COUNTY
☐ CANBY SCHOOL DISTRICT
☐ OREGON DEPT. TRANSPORTATION
☐ ODOT/REGION 1/DIST 2B
☐ STATE OF OREGON/REVENUE
☐ CANBY BUSINESS REVITALIZATION

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Comments or Proposed Conditions:

1. This Portion of Township Road is within the City Limits. Clackamas DTD will defer to City of Canby Standards
2. As per Clack Co / Canby UGMA order No 92-1130 G.B the City shall enter into negotiations with the County for the transfer of a portion of Township Road.

Please check one box:

- ☐ Adequate Public Services (of your agency) are available
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- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Ugo Dis Date: 3/3/04

Title: Civil Engineer Agency: Clack Co Dept of Transport & Dev.

From: Don Staehely <staeheld@canby.k12.or.us>
To: <nicholsd@ci.canby.or.us>
Date: 3/15/04 7:22AM
Subject: Comments

Darren,

If at all possible, would you submit the following comments from the District:

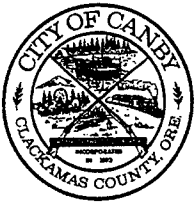
The property being considered for development is within the Trost Elementary School boundary, which is already exceeding capacity. As you know, the District is legally obligated to provide an education for all children who are in an attendance area, as well as sufficient classroom space. The District is planning to submit to the patrons a bond measure in November 2004 for the construction of a new middle school to open in September 2006 and convert Lee back to a K-5 elementary building. Even with the passage of the bond, the District is reviewing all available options to handle the over crowding at Trost until Lee reopens, including adding modular buildings at Trost. The projected population at Trost this fall, without the new construction, is 646 students, with a capacity of 575.

Thanks,

Donald Staehely
Chief Financial Officer
Canby School District
1110 S. Ivy St.
Canby, OR 97013

Phone: 503-266-0020
Fax: 503-266-0022

CC: <carrollk@clackesd.k12.or.us>



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.

Please send comments

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM March 22, 2004.

APPLICATION: Zone Change, Subdivision, and Site and Design Review
(to construct ten attached townhomes)

APPLICANT: Ed Netter

CITY FILE #: SUB 04-01/DR 04-02/ZC 04-01

COMMENTS: WE FEEL THERE ARE QUANTITY OF
TOWNHOUSES AND APT. IN THIS AREA. SO
WE WOULD VOTE "NO" IF THE
BUILDER WOULD PUT SINGLE FAMILY HOMES, IN THE
200K PRICE RANGE THAT WOULD BE
GOOD. NO MANUFACTURED HOMES.
Our schools and public systems are
over taxed all ready.

YOUR NAME: MIKE & SHERI KURETIL

ORGANIZATION or BUSINESS (if any):

ADDRESS: 564 S. KNOTT

PHONE # (optional): 503-263-8874

DATE: 3/11/04

Thank you!



CITY OF CANBY COMMENT FORM

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Please send comments

By mail: Planning Department, PO Box 930, Canby, OR 97013
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Written comments must be received prior to the hearing at 7:00 PM March 22, 2004.

APPLICATION: Zone Change, Subdivision, and Site and Design Review
(to construct ten attached townhomes)

APPLICANT: Ed Netter

CITY FILE #: SUB 04-01/DR 04-02/ZC 04-01

COMMENTS: The real issue here is the zone change.
Why does Ed Netter want to change the zone to
higher density when he could build two to three
single family dwellings? Is he so concerned with
the need to provide affordable housing that he
proposed to change the zoning the City fathers had
determined as R1? NO! Ed Netter proposed to
change zoning to make money, either in the sale
of Ten Rowhouses (townhomes) or the ability to
increase his rental portfolio if the units are not
Golden Property South of Township is R2. Property
North of township is higher density. Keep it that way!!

YOUR NAME: Don Coleman

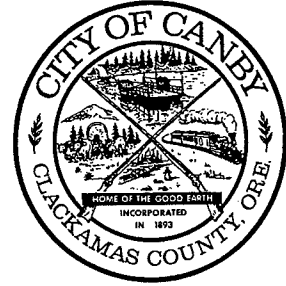
ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 345 SE 9th, Canby, OR

PHONE # (optional): 503-263-7433

DATE: 3/21/04

Thank you!



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

**A REQUEST TO CHANGE ZONING)
FROM LOW DENSITY RESIDENTIAL)
TO HIGH DENSITY RESIDENTIAL)
ON ONE 27,550 SQUARE FOOT
PARCEL)**

**FINDINGS, CONCLUSIONS & FINAL ORDER
ZC 04-01
(Township Trail – Nofziger / Netter)**

NATURE OF APPLICATION

The applicant is seeking to change the zoning designation for a 27,550 square foot tax lot at 385 SE Township Road. Current zoning on the subject parcel is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation of R-2 High Density Residential.

HEARINGS

The Planning Commission held a public hearing to consider the application on March 22, 2004.

CRITERIA AND STANDARDS

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

After holding a public hearing and considering the March 12, 2004 staff report, the Planning Commission deliberated and reached a decision on the applicant's request for zone change. The Planning Commission finds that the applicant's request is not in compliance with the Comprehensive Plan of the City of Canby. The Commission adopts the findings and conclusions contained in the March 12, 2004 staff report insofar as they do not conflict with the following findings:

1. The Planning Commission discussed the availability of public facilities and services. In particular, the Planning Commission discussed access to the site, including the proposed offset between an access drive and the intersection of SE Township Road and S Locust Street. The Commission considered traffic analysis from a traffic engineer included in the application for Zone Change. The engineer recommended that an access drive be aligned with the southern terminus of S Locust Street in order to facilitate efficient turning movements to and from the proposed development. The engineer's analysis recommends prohibited parking on the north side of SE Township near the access drive. The engineer alternatively recommended coordinating development on the subject parcel with development on adjacent parcels in order to provide a shared access system for potential surrounding development. The Planning Commission finds that the applicant has not demonstrated an access plan to support the proposed increase in density on the subject parcel and/or surrounding parcels.
2. The Planning Commission also discussed overcrowding in local schools and the need for additional classroom space at Trost Elementary. The Commission finds that existing school facilities are not adequate to meet the needs of the proposed increase in density.

CONCLUSION

The Planning Commission concludes that, with regards to the zone change:

- A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.
- B. Public Facilities and Services are not available to serve increased density on the subject parcel. Site access and school facilities are insufficient to serve the needs of R-2 development allowed by the proposed change to the Zone Map. The Commission finds that all other required public facilities and services exist or can be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council **DENY ZC 04-01**.

Findings, Conclusion and Final Order
ZC 04-01
Page 2 of 5

I CERTIFY THAT THIS ORDER recommending denial of **ZC 04-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 12th day of April, 2004.

James R. Brown, Chairman
Canby Planning Commission

Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – March 22, 2004

AYES: Brown, Ewert, Molamphy, Tessman

NOES: Manley

ABSTAIN: None

ABSENT: Able, Helbling

WRITTEN DECISION – April 12, 2004

AYES:

NOES:

ABSTAIN:

ABSENT:

Findings, Conclusion and Final Order
ZC 04-01
Page 3 of 5

MINUTES

CANBY PLANNING COMMISSION

6:00 PM Workshop City Hall Conference Room

7:00 PM March 22, 2004

City Council Chambers, 155 NW 2nd

WORKSHOP Annexation Priorities

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Randy Tessman, Dan Ewert

STAFF: John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Matilda Deas, Project Planner

OTHERS PRESENT: Jerry Barkman, Bob Kauffman, Debora L. Gustin, Margaret Birkemeier, Jay Mulkey, Betty Cox, John Cox, Roy Bentz, Dennis Tuuri, Richard Killams, Ed Netter, Pat Sisul, Mark Vodka, Jeanne Vodka, Cheryl Cannan, Leslie Ann Hauer, Grace Bighause

II. CITIZEN INPUT

None

III. NEW BUSINESS

Matilda Deas, Project Planner stated there had been some inquiries regarding the Industrial Overlay zones restriction on metal buildings. She asked the Commission if it would consider allowing some sort of process for the approval of some combinations or types of metal buildings as a conditional use in the Industrial Overlay zone.

Mr. Brown explained that during the process of creating the overlay zone there had been a lot of public testimony and the intent from those conversations were that they wanted to create a high quality environment with the parkway being a feature element with pedestrian access and trees down the middle.

The Commission believed that they should stay with the intent of the code and suggested Matilda write something that would allow for metal accents in the overlay zone.

IV PUBLIC HEARINGS

DR 04-01 HOPE VILLAGE The applicant is requesting approval to construct ten additional Garden Homes at the HOPE Village retirement community. Located on the west side of S. Ivy St. and the south side of SW 13th in the north west corner of the lot. The proposal would extend the Garden Home development and would match the existing Garden Homes.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he visited the site but drew no conclusions. No questions were asked of the Commissioners

Darren Nichols, Associate Planner presented the staff report. He explained the surrounding area is a combination of land that is outside the City of Canby, R1 (low density) and R-1.5 (medium density). He stated that the recent improvements to SW 13 and S Fir are sufficient to provide access to the parcel.

Darren explained that HOPE Village originally received approval as a PUD in 1991, this application fits into the master plan that was approved by the Planning Commission. The application meets the requirements for landscaping and parking spaces. Vehicle access will be provided from S Fir St. and through the shared parking area along SW 13th. Pedestrian access is adequate to serve the subject parcel and the surrounding development. No signs are proposed for the development and all public facilities are either in place or are available. Darren stated that the development scored 96% on the design review matrix, which is well above the required minimum. The proposal meets all the height and setback requirements and does not negatively impact the surrounding development.

Darren stated staff recommends approval for this application.

APPLICANT:

Jerry Barkman, HOPE Village, explained this is phase 12 of the Garden Homes. When this phase is completed there will be 102 homes. He explained that access to these homes will be through S. Fir and SW 13th St.

Mr. Barkman stated that the exteriors would be exactly the same as the previous Garden Homes and the landscaping will be extended to the new phase. The only difference between this phase and phase 8 (which is under construction) is this phase has 2 less homes due to the lot size.

Mr. Barkman explained that condition #10 was apparently a mistake since it dealt with signage and this application has no signage.

Mr. Brown confirmed that all of the half street improvements have been completed for this development. He asked if the aerobic walkway along the perimeter of the site would be completed with this phase. Mr. Barkman explained that it would be completed with the final phase of this development.

PROPONENTS:

None

OPPONENTS:

None

It was moved by Mr. Ewert to approve DR 04-01 as amended with the removal of condition #10. Seconded by Mr. Tessman. The Planning Commission stated their appreciation of the fact that the applicant has stayed with their master plan and created a quality development that is an asset to the City. Motion carried 5-0.

SUB 04-01/DR 04-02/ZC 04-01, Ed Netter, (Township Trail) The applicant is seeking approval to change the zoning and partition one 27,550 square foot parcel into ten residential building lots of 1,300 to 2,500 square feet for the construction of attached townhomes. The applicant proposes to provide access to newly created lots by means of a twenty foot wide shared access drive off SE Township Road. The application meets criteria for the comprehensive plan designation of R-2 High Density Residential.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he visited the site but drew no conclusions. No questions were asked of the Commissioners.

Darren Nichols presented the staff report. He stated the application meets the criteria for the comprehensive plan designation of R-2 High Density Residential. New residences are proposed to be placed along the southern and eastern boundaries of the parent parcel. Neighboring parcels to the south are zoned R1 or R1-5. Properties to the north across Township are zoned R-2.

Darren explained that as an R-1 development the parcel size would allow 3 single family homes. As an R-2 the applicant has proposed 10 single family attached homes which is 15.8 units per acre exceeding the R-2 requirement of 14 units per acre. There are several existing trees located on the property and the applicant intends to save as many as they can. There is an existing sidewalk in place and the application includes interior sidewalks.

Access comes from SE Township that "T's" off to serve the development. Initially the Fire Marshal indicated the 20' access drive was insufficient and recommended 50,000lb sidewalks to handle emergency vehicles and outriggers. The applicant states they have reached an agreement with the Fire Marshal to sprinkle the units which will negate the requirement of the 50,000lb sidewalks.

The traffic study indicates the development will add an insignificant amount of traffic on SE Township. The traffic engineer did indicate that if surrounding parcels were developed in a similar manner as this one they could all be served with one access drive that creates a one way loop, which would be acceptable with queuing traffic patterns on Township.

The applicant held a public meeting where citizens expressed concerns regarding the zone change and subsequent subdivision. Neighbors to the south opposed the subdivision because they believed the dense housing would negatively impact their properties and the property should remain R-1 in order to fit into the surrounding development.

The applicant has made several concessions such as increasing the setbacks from the rear and side property lines, placement of windows and the window heights to minimize the impact on the neighbors. Darren explained that the Planning Commission can designate these lots as infill lots which puts restrictions on the kind of setbacks that will be required of the

development.

Darren read letters from Mike and Sheri Kurelich and Don Coleman, neighbors who were concerned about the rezoning of the property to High Density. They believed that the south side of Township should remain R-1.

Darren stated that the application meets all necessary criteria and staff recommends approval of the application.

The Commission asked for clarity on the term Historic Resource and how it applied to this application. Darren explained that applying for designation as a Historical Structure is voluntary and out of the 64 homes in Canby that are eligible to be listed only 4 are. If the homes aren't on the Historical Inventory many of the structures could be lost.

Mr. Brown questioned the sequence of the applications. John explained it is the zone change application that would allow the townhome use, if it is not approved there would be no reason for a subdivision or a design review, typically the subdivision and design review are conditional upon the City Council adopting the zone change.

APPLICANT:

Leslie Anne Hauer, Sisul Engineering addressed the Commission. She stated now is the appropriate time to bring the property to the Comprehensive Plan designation and make use of the property and the available .

Ms. Hauer believes this project represents the best combination of single family and multi-family development. She questioned whether this application fit the description of infill property. This is a multi-family development with each home on a separate lot. She believes this application can meet the criteria for either a single family home development or a multi-family development. She stated that there is no homes located within 25' of a common lot line so it was not infill.

Ms. Hauer stated the applicant held a neighborhood meeting and the biggest issue raised was the lose of privacy for the neighbors. Mr. Netter had adjusted the lot layouts and has removed most of the windows that faced the backyard. Neighbors also asked why Mr. Netter would want to build an R2 development in that area she stated that this is an opportunity to provide a needed housing type for the community.

Mr. Brown questioned what part of the infill standard the applicant would find difficult for the applicant to meet. Ms. Hauer stated it would be the height restrictions if it would prevent 2 story homes

Mr. Tessman asked what the elevation would be for Lot #1. Ms. Hauer stated the applicant had proposed a side elevation at that location and that Mr. Netter would be better to address that issue.

Ed Netter, stated it is his intention for the development to be owner occupied. Lot #1 would be spruced up by wrapping the porch around and putting in more windows to improve the aesthetics of the home. In response to the neighbors concern regarding lack of privacy in their

backyards, he has moved windows to the sides of the buildings, there will only be one bedroom window in the back.

Mr. Netter explained that when he looks at property to develop, he checks the Comprehensive Plan to determine what the City has planned for that area. This area is designated as R2 in the Comprehensive Plan so that is why he is building an R2 development in this area. He added that the cost of this property would make it difficult to build \$200,000 single family homes there.

Mr. Netter stated the homes will be double wall construction with double pane windows. Earthtone colors with different colors and 4" trim around the windows. Things he believes will make the development look nice, with street trees or decorative plants.

Mr. Ewert asked if Mr. Netter would rent the dwellings prior to the sale. Mr. Netter stated he planned on selling them from the onset. But if someone purchases a home they can make it a non owner occupied residence even though it is not his intention.

PROPONENTS:

None

OPPONENTS:

Mr. John Cox stated he owns the adjacent property and questioned where the children form this development would play.

Cheryl Cannon stated she lives around the corner from this development. She finds it distasteful this type of a development would be allowed in this area, there is a beautiful Evangelical Church and an old Victorian house with several single family homes. She cannot envision a multiple family dwelling there and thinks it is ugly. She does not believe Canby needs another multiple family dwelling on the south side of Territorial. She is very opposed to this application.

Debbie Gustin stated that the development across the street that consists of townhouses and manufactured homes that has some green space which is nice but no place for children to play.

Jay Mulkey stated he lives behind this proposed development he does not believe this project is compatible with the surrounding area. He stated that there will be plenty of high density with the Apollo Homes development and the development on S Ivy. The application looks great but this is not the property for it. This is a R 1 area. He showed pictures of what the surrounding housing looks like. He believes high density developments should slow down until the occupancy rates are established. He believes these homes will become rentals. He believes his neighbor sold his property due to this development and that the development would lower the property value of the neighborhood. It is the type of patchwork infill that is not compatible with the neighborhood.

Mark Vodka stated he agrees with everything the opponents have said. One of the townhome units would literally be in his back yard. He has seen townhome developments in

other cities and believes they are awful, and become rentals. He doubts many of the townhomes in Canby are occupied by owners. He stated that this development would not be appropriate in this location.

Camile Kuzlusi (spelling) concurred with the comments from previous speakers. She stated when you go to the north of this area it is solid high density to Hwy 99E. She believes this is a single family community and should stay that way. She is concerned about property values and believes it does not fit in with the community. She is also concerned with the growing number of flaglots that are being created.

Jerry Mulkey questioned when the Comprehensive Plan was being reviewed if that area had been looked at for rezoning. John explained that this area has been designated for high density since 1984.

REBUTTAL:

Leslie Ann Hauer addressed Mr. Cox's concerns regarding where the children will play she stated they would play in their own back yards. The project includes green space which will make Mr. Netter's project sell able. She addressed the concern regarding owner occupied housing, the applicant cannot guarantee who is going to live on the property, he can only make it available. Zoning and planning isn't about owner occupancy, it's about making opportunities available for a variety of people and that the infill standards would address concerns regarding the flag lots.

Mr. Brown asked if the applicant was asking for condition #15 to be dropped which covers infill requirements. Ms. Hauer believes the application complies with the infill standards their only concern was whether there would be some height restrictions on some buildings since they are far greater than 25' from common property lines she doesn't believe the infill standard applies. Ms Hauer stated they are asking for the condition to be dropped but they believe they can meet the requirements without it. .

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Manley stated he believed the applicant meets both condition A and B for the zone change and is in conformance with the comprehensive plan and all facilities either exist or will be available upon development.

Mr. Tessman did not agree they met the requirements. He stated that Trost scored lowest of all the schools in the Canby area 40% of the kids are on assisted lunch program and bringing in more kids will exasperate the situation so it does not meet the requirements for public facilities.

Mr. Molamphy believes it meet the criteria for both A and B.

Mr. Ewert believes there is nothing that keeps it from meeting the requirements for zone change.

Mr. Brown explained there are 2 separate zonings for each property in town, the current zoning and the comprehensive plan zoning. The intent is to get the current zoning to the

comprehensive zoning and the only way to do that is through applications like this. He stated that there have been changes since the comprehensive plan was developed areas that were designated as medium density were actually built out as low density.

Mr. Brown stated he has looked at the property and that all of the property on the eastern side of Township has a masonry wall that varies in height from 4 and 6 feet and separates the single family community from Township, but as you get further west the wall stops and there is still some expanse to the properties.

Mr. Brown agreed there is an overload of schools in that area but there is water and sewer, water etc. Mr. Tessman explained that part of his objection to this application is that there have been townhomes built in other areas that did not fit into the surrounding neighborhood and believes that this will be the case with this development.

Mr. Brown stated this application needs to meet the criteria, appropriate to upzone and if it have all facilities. Mr. Manley stated that schools alone cannot be used as the reason to deny a land use application. Mr. Manley stated this area has been committed to R1 useage and it does not make sense to upzone it now with a little parcel of land.

Mr. Brown asked if the City had enough R1 land. Darren explained they don't clarify the difference between R1, R1.5 or R2 land, it just states residential units. Mr. Brown stated that there is enough buildable land with the possibility of the Northwood property bringing in more residential land.

Mr. Brown stated that Canby does not have a diversity of housing prices and the price of a new home has been going up about \$20,000 to \$40,000 per year. The community is concerned that there aren't other options for starter family homes, where are kids going to buy a house. But the most stabile community comes from home ownership and not rentals but that issue is not conditionalble.

Mr. Brown stated that the subdivision and the design review could be looked at together.

Tessman stated he did not like the corner lot not facing Township Rd. He also expressed his concerns that the streets did not align with the street across the way. Mr. Brown explained that this is actually is a heavily loaded driveway within a hundred of the S. Locust. Darren stated that the City Engineer and the Public Works Supervisor had different opinions regarding the configuration of the streets.

Mr. Brown did his own evaluation with the design review matrix. And did not believe the application met the requirements. He stated it was probably appropriate to up zone the area to R2 which is what the comp plan shows, but does not believes it complies.

Mr. Molamphy stated he is concerned with the access onto Locust street and believes it could be dangerous. He also believed the houses should face the street.

Darren explained that proposal falls between single family and multi-family because it has individual homes on individual lots, there is no design matrix for individual homes and some of the multi-family requirements do not apply.

John stated the code needs to be clarified to address the issue since it states you can't have commonwall housing with more than 2 units in the R1 zone. It is not the intention of the code to not have design standards for this type of project, it just slipped through the code.

Mr. Ewert stated this development does not fit what was intended for the area, even though it is outside the area of special concern. Mr. Ewert also had concerns regarding the traffic flow from the development, whether the private access drive would be able to connect with adjacent properties to become a private road and the alignment. John stated there had been a lot of thought put into the access issue. It is not street width so it did not fit with the intersection, this seemed to be the best option.

Mr. Ewert expressed his concerns regarding the queuing of cars. Darren explained that the traffic engineer had looked at the issue and found there was room for queuing of 3 cars. She suggested to either align it or create a no parking area on the northside of Township. Mr. Ewert believed this development would create future problems.

Mr. Brown stated that what the applicant has proposed is good for Canby, he just does not believe this plan will work.

It was moved by Mr. Ewert to recommend to the City Council denial of ZC 04-01 based on section B, specifically the transportation issue, street alignment, the school issue and that it impedes development of adjoining properties. Motion 4-1 with Mr. Manley voting nay.

There was discussion regarding how to deal with the remaining subdivision and design review applications. It was suggested by Ms. Hauer to continue the other applications until after the City Council decision. The applicant agreed to waive the 120 day rule. Mr. Brown continued SUB 04-01 and DR 04-01 to May 24, 2004.

V FINDINGS

MLP 04-01 Latham The applicant is seeking approval to partition one 19,150 square foot parcel into two separate tax lots of 11,129 SF and 8,023 SF. One existing house will remain on the lot fronting NW Knights Bridge Rd

It was moved by Mr. Molamphy to approve MLP 04-01 as submitted. Seconded by Mr. Manley. Motion carried 5-0.

MLP 04-02 Payton The applicant is seeking approval to partition one 24,040 square foot parcel into three separate tax lots of 8,794 SF, 7,018 SF and 8,228 SF. The property is located at 1131 N. Maple St.

It was moved by Mr. Manley to approve MLP 04-02 as written. Seconded by Mr. Molamphy. Motion carried 5-0.

SUB 03-05 Apollo Homes The applicant is seeking approval to subdivide on 15 acre parcel into 136 lots for the construction of single family residences, duplexes and townhomes

Mr. Molamphy questioned that since this application was remanded back to the Planning Commission from the City Council, if we approve the findings will the application go back to the

City Council. John clarified that the applicant can now drop their appeal and this will be the final decision on the subdivision. John explained that if the Findings were approved they would be sent to everyone who had standing and they could be appealed to the City Council by someone on the other side of the issue.

Mr. Brown addressed each condition.

Mr. Molamphy had concerns regarding condition #5, he believed it should be more specific regarding the landscaping. Darren questioned the location of the wall, with the wall up against the development it creates an area between the wall and the railroad tracks that can't be seen. If it doesn't mitigate noise why create a landscaped area that does no one any good

There was a discussion regarding the relationship of the wall and the bio-swale. It was agreed to move the wall back toward the railroad track with the created area to be open space maintained by the homeowners association. John suggested modifying condition #19 to move the wall along the south property line of the parent parcel. John stated that the requirement of the Fire Marshal approving the emergency access needed to be added to condition #10 also.

The Commission addressed the condition #15 that states all lots fronting NW 3rd & Cedar comply with photographic evidence presented to the Planning Commission. They stated that when the elevations were presented the applicant was asked if that was what would be built and were told yes. Their vote was on the assumption the entire development would meet that quality. Darren explained that it was not the applicants intent to apply those design standards to the interior of the development. It was decided to allow the applicant the opportunity to respond to the conditions.

The Commission discussed condition #18 which requires a 6' fence to prohibit residents from accessing the storm water swales on City properties. It was conditioned that the fence be chain link or wrought iron.

VI MINUTES

February 23, 2004 It was moved by Mr. Manley to approve the minutes of February 23, 2004 as written. Seconded by Mr. Tessman. Motion carried 5-0.

March 8, 2004 It was moved by Mr. Manley to approve the minutes of March 8, 2004 as written. Seconded by Mr. Molamphy. Motion carried 5-0.

VII DIRECTOR'S REPORT

John stated there were three applications, a conditional use permit and two subdivision applications for the next Planning Commission meeting.

John asked the commission if they still wanted a discussion regarding conditional use permits, overlay zones and areas of special concern. Mr. Brown stated that assuming the Northwoods area does come into the City the Commission would like to understand what being an area of special concerns means and would allow.

VIII ADJOURNMENT

M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*
THROUGH: *Mark Adcock, City Administrator*
FROM: *Chaunee Seifried, Finance and Court Services Director*
DATE: *April 13, 2004*
RE: *Resolution #855*

Issue: Regular review of Management Team compensation.

Background: On March 21, 2003 the Management Team submitted a proposal to Mayor Thompson, City Council, and City Administrator Adcock to include salary increases to match the average salary derived from a survey of comparable cities, a request for a 3% COLA and an additional week of vacation. This was approved at the April 2, 2003 Council meeting. On March 12, 2004 the City Management Team submitted a proposal to Mayor Thompson and City Council requesting a 3% base increase to be added to the current pay scales. This request simply extends last year's approval into the next fiscal year.

Recommendation: That Council adopt RESOLUTION #855 ESTABLISHING SALARY COMPENSATION SCALES FOR MANAGEMENT PERSONNEL OF THE CITY OF CANBY, ESTABLISHING VARIOUS RANGES FOR SALARY LEVELS.

Fiscal Impact: The cost of a 3% base adjustment for the 04-05 FY would be \$26,200 (including Salary and Benefits)

Attached: Resolution #855 and Management Salary Schedule Attachment A (2004-2005)

RESOLUTION NO. 855

A RESOLUTION ESTABLISHING SALARY COMPENSATION SCALES FOR MANAGEMENT PERSONNEL OF THE CITY OF CANBY, ESTABLISHING VARIOUS RANGES FOR SALARY LEVELS, AND DIRECTING THE CITY ADMINISTRATOR TO PLACE INCUMBENT EMPLOYEES WITHIN THE APPROPRIATE SCALE AND RANGE.

WHEREAS, the City of Canby passed Resolution 734 on June 21, 2000, establishing salary compensation scales for management personnel of the City.

WHEREAS, the salary level as set forth in Attachment A is effective July 1, 2004 through June 30, 2005.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. That Attachment A is adopted for the time period specified.
2. That the City Administrator is directed to take the necessary action to place incumbent employees not previously placed within the appropriate range and step effective July 1, 2004.
3. That all subject employees shall hereafter be eligible for an increase of one step at their anniversary date upon receipt of a satisfactory performance evaluation by their supervisor.
4. That the effective date of this Resolution is July 1, 2004.

ADOPTED this ____ day of _____ 2004, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Chaunee Seifried – City Recorder, Pro-Tem

Management Salary Schedule Attachment A 2004-2005

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Community Dev. & Plan. Director	5954	6252	6565	6893	7238	7455	7678	7909
Police Chief	5894	6188	6498	6823	7164	7379	7600	7828
Police Lieutenant	5192	5452	5724	6011	6311	6501	6696	6896
Transit & General Svc. Director	5295	5560	5838	6130	6436	6629	6828	7033
Library & Parks Director	5076	5330	5596	5876	6170	6355	6545	6742
Finance & Court Svc. Director	5743	6030	6332	6649	6981	7190	7406	7628
Public Works Supervisor	4441	4663	4897	5141	5399	5560	5727	5899
W.W.T.P. Supervisor	4640	4872	5116	5372	5640	5809	5984	6163
Finance Program Manager	3437	3609	3789	3979	4178	4303	4432	4654
Executive Assistant	3437	3609	3789	3979	4178	4303	4432	4654
Swim Pool Supervisor	3148	3305	3470	3644	3826	3941	4059	4181

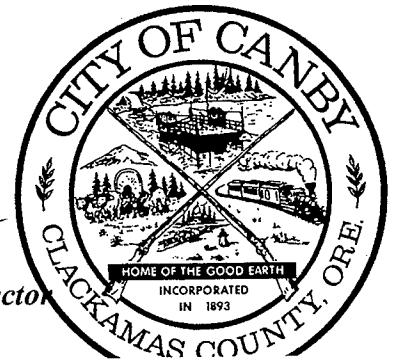
Includes a 3% base adjustment-res 855

Bold represents July 1

yellow represents step increase

MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *April 12, 2004*



Issue: Resolution 853, supporting a proposed resolution before the Metro Council that the Metro UGB not be expanded south of the Willamette River.

Synopsis: Metro is looking to add about 2,000 acres to its UGB to accommodate additional industrial land. Among the 28,000 acres in their current study areas is 1,300 acres south of Charbonneau, centered roughly on Airport Road north of Arndt Rd. However, many people oppose this concept and Metro Councilor Carl Hosticka has introduced an Ordinance proposing to never expand Metro's UGB south of the Willamette River. Our proposed resolution is based on a similar one prepared by the City of Wilsonville on this topic.

Recommendation: This is a policy decision, but based on previous Council discussions, staff recommends that the Council approve Resolution 853.

Rationale: Converting the Charbonneau/Langdon Farms land to warehousing and distribution could have a number of dramatic impacts on Canby and surrounding areas, including increased traffic, aesthetic concerns, loss of farmland, and increased cost of infrastructure. In addition, it could have significant effects on our own economic recruitment efforts locally.

Wilsonville has been taking the lead in fighting the proposal, due of course to the fact that they will be very directly affected and may be required to provide public services in the area. The proposed resolution is a copy of theirs with only minor changes (for example, the first couple of 'whereases' referring to our almost-completed green corridors agreement).

If approved, Canby's resolution will go to the Metro Council as part of their public input process, which will be ongoing through May at least.

Options:

1. Do not adopt the resolution. The proposed industrial development could produce many jobs for the area. However, based on previous Council discussions regarding economic development, rural reserves, and other issues, staff has not recommended that option.

Attached:

1. Resolution 853
2. Proposed Metro Ordinance 04-1041 & Metro staff report
3. 3/8/04 *Oregonian* article for background. There is much more information, including maps, etc. on this issue at Metro's web site, <http://www.metro-region.org/article.cfm?articleid=5370>

RESOLUTION NO. 853

A RESOLUTION OF THE CITY OF CANBY OPPOSING THE EXPANSION OF THE URBAN GROWTH BOUNDARY SOUTH OF THE WILLAMETTE RIVER

WHEREAS, the City of Canby and Metro have previously signed an intergovernmental agreement to protect “rural reserve areas” located between the City of Canby and the Portland Metropolitan area; and

WHEREAS, This agreement was intended to preserve the rural nature of areas between Canby and Metro, to maximize the function of infrastructure in these rural areas, and protect agricultural resources; and

WHEREAS, Goal 14 of the State Land Use Planning Goals directs that agricultural land must be protected; and

WHEREAS, lands south of the Willamette River are primarily Class I and II soils and of the highest agricultural value and represent some of the most fertile and productive farmland in Oregon and across our nation; and

WHEREAS, the agricultural industry is vital to the Portland-metropolitan area and Oregon’s economy; and

WHEREAS, agriculture is the leading industry of Marion County and Clackamas County and the second leading industry of Washington County; and

WHEREAS, the highest and best use of lands south of the Willamette River and not part of a city or a city’s planned growth expansion is for agricultural purposes; and

WHEREAS, the Regional Framework Plan stresses that there must be a clear distinction between urban and rural lands that make the best use of natural landscape features; and

WHEREAS, the Willamette River provides the best natural barrier between the urban area of the Portland-metropolitan region and the rich agricultural lands of the Willamette Valley; and

WHEREAS, the Regional Framework Plan denounces sprawl; and

WHEREAS, expanding the Urban Growth Boundary south of the Willamette River promotes sprawl; and

WHEREAS, Goal 14 of the State Land Use Planning Goals and the Metro Regional Plan stress the efficient use of land in a compact urban form and targeting public investments to reinforce a compact urban form; and

WHEREAS, the Regional Framework Plan directs that there is continued growth of regional economic opportunity, balanced to provide an equitable distribution of jobs, income, investments and taxing capacity throughout the region; and

WHEREAS, expanding industrial uses onto green farmland next to Interstate-5 on the south side of the Willamette River will not allow for the equitable distribution of jobs, income, investments or taxing capacity; and

WHEREAS, state and regional land use policy supports the 2040 Growth Concept that provides that public investment coordinate with local comprehensive and regional functional plans; and

WHEREAS, all cities of the region and the unincorporated county areas have planned and invested in their infrastructure to help meet their plan goals; and

WHEREAS, development south of the Willamette River would divert investment away from other jurisdictions and jeopardize infrastructure investments the region and individual communities have made to be economically competitive; and

WHEREAS, according to the Regional Framework Plan, success of the 2040 Growth Concept depends on the maintenance and enhancement of Regional and Town Centers as the principal centers of urban life in the region and should be pedestrian and transit friendly and reduce auto dependence; and

WHEREAS, allowing industrial development south of the Willamette River would violate the maintenance and enhancement of Regional and Town Centers; and

WHEREAS, the need for additional acres for industrial uses over the next 20 years outside the UGB has not been clearly established nor the type of uses clearly identified; and

WHEREAS, there are sufficient vacant industrial lands north of the Willamette River for including approximately 542 vacant industrial-commercial acres within the current City of Wilsonville limits and the UGB and an additional approximately 222 vacant industrial acres in reserve lands adjacent to the Coffee Creek Correctional Facility in Wilsonville which alone total 764 acres; and

WHEREAS, there are sufficient acres of industrial land that can be redeveloped throughout the Portland-metro region and reused or revamped for more current industrial needs and uses; and

WHEREAS, Canby's Pioneer Industrial Park and its other industrial areas contain over 400 acres of industrial land slated for development in the next 20 years; and

WHEREAS, Oregonians value highly the scenic quality of the Willamette Valley that contributes to its market niche, economic competitiveness and quality of life; and

WHEREAS, expanding the Urban Growth Boundary south of the Willamette River violates 30 years of sound land use policy in Oregon to provide a balance of housing, commercial, industrial and agricultural land supported by cost efficient infrastructure; and

WHEREAS, land use policies should not be violated to benefit one entity or special interest for their financial gain at the expense of the greater good of the region's residents and businesses

NOW THEREFORE, THE CITY OF CANBY RESOLVES AS FOLLOWS:

1. Based on the findings recited above, the City Council of the City of Canby does hereby oppose the expansion of the Urban Growth Boundary of the Portland Metropolitan region south of the Willamette River for the purpose of creating new industrial lands and instead supports the on-going use of those lands for the region's critical agricultural economy.

2. In keeping with the above, the City Council of the City of Canby urges the Metro Council to make a public policy decision now that the Metro Urban Growth Boundary shall not be expanded south of the Willamette River.

3. This Resolution is effective upon adoption.

ADOPTED this 21st day of April, 2004 by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Chaunee Seifried
City Recorder, Pro-Tem

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO'S) ORDINANCE NO. 04-1041
REGIONAL FRAMEWORK PLAN TO BETTER)
PROTECT THE REGION'S FARM AND FOREST)
LAND INDUSTRIES AND LAND BASE, AND) Introduced by Councilor Carl Hosticka
DECLARING AN EMERGENCY)

WHEREAS, Chapter 1 Land Use, Policy 1.12 Protection of Agriculture and Forest Resource Land of Metro's Regional Framework Plan (RFP) calls upon Metro to protect agricultural and forest land, but it does not offer guidance on how to achieve the policy when the Metro Council must expand the urban growth boundary (UGB) to accommodate long-term urban population or employment growth and must choose agricultural or forest land to satisfy a portion of the need for land; and

WHEREAS, Metro sponsored a symposium on agriculture in the larger region around the Metro Area on October 31, 2003 ("Agriculture at the Edge"), at which farmers and others in the agricultural industry expressed concern for the loss of land to urbanization and conflicts between urban use and farm practices and asked Metro to think of agriculture as an industry rather than as a reserve for future UGB expansion; and

WHEREAS, Metro is studying approximately 29,000 acres of land, including 9,000 acres of agricultural land, for possible addition to the UGB for industrial use, and must choose approximately 2,000 acres from among those lands; and

WHEREAS, the Metro Council wants to avoid harm to the agricultural industry in the region; now, therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 1 Land Use, Policy 1.12 Protection of Agriculture and Forest Resource Land of Metro's Regional Framework Plan (RFP) is hereby amended as shown in Exhibit A, attached and incorporated into this ordinance.

2. The Findings of Fact and Conclusions of Law, attached as Exhibit B and incorporated into this ordinance, explain how the amendment of Chapter 1 Land Use, Policy 1.12 Protection of Agriculture and Forest Resource Land of the RFP complies with state and regional planning laws.

3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because the Metro Council must make a decision on expansion of the UGB for industrial land by June 24, 2004, to comply with Remand Order 03-WKTASK-001524 of the Land Conservation and Development Commission. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

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ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 04-1041
Metro's Regional Framework Plan
Chapter 1 Land Use, Policy 1.12 Protection of Agriculture and Forest Lands

~~1.12~~ — Protection of Agriculture and Forest Resource Lands

1.12.1 ~~Agricultural and forest resource land outside the UGB shall be considered a regional economic and cultural resource and be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan statewide planning laws. However, Metro recognizes that all the statewide goals, including Statewide Goal 10, Housing and Goal 14, Urbanization, are of equal importance to Goals 3 and 4 which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.~~

1.12.42 ~~Rural Resource Lands~~

~~Rural resource lands outside the UGB shall be protected from urbanization. When the Metro Council must choose among agricultural lands of the same soil classification for addition to the UGB that have significant resource value should actively be protected from urbanization. However, not all land zoned for exclusive farm use is of equal agricultural value, the Metro Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region, and shall not choose agricultural land south of the Willamette River and west of the Pudding River.~~

1.12.23 ~~Urban Expansion~~

~~Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands. Metro shall enter into agreements with neighboring cities and counties to carry out Metro Council policy on protection of agricultural and forest resource policy through the designation of Rural Reserves and other measures.~~

1.12.34 ~~Farm and Forest Practices~~

~~Protect and support the ability for farm and forest practices to continue. The designation and management of rural reserves by the Metro Council may help establish this support, consistent with the Growth Concept. Agriculture and forestry require long term certainty of protection from adverse impacts of urbanization in order to promote needed investments. Metro shall work with neighboring counties to provide a high degree of certainty for investment in agriculture in agriculture and forestry and to reduce conflicts between urbanization and agricultural and forest practices.~~

**Exhibit B to Ordinance No. 04-1041
Findings of Facts and Conclusions of Law**

[TO FOLLOW]

STAFF REPORT

ORDINANCE NO. 04-1041, FOR THE PURPOSE OF AMENDING METRO'S REGIONAL FRAMEWORK PLAN TO BETTER PROTECT THE REGION'S FARM AND FOREST LAND INDUSTRIES AND LAND BASE, AND DECLARING AN EMERGENCY

Date: March 1, 2003

Prepared by: Lydia M. Neill
Principal Regional Planner

PROPOSED ACTION

Adoption of Ordinance No. 04-1041 amending Metro's Regional Framework Plan to add policy language to guide urban growth boundary (UGB) expansion decisions.

BACKGROUND AND ANALYSIS

The Metro Council is in the process of completing its UGB decision under the state's periodic review process that includes meeting the remaining deficit of 1,968 net acres for industrial land.

In the process of meeting that need for industrial land, the Metro Council will be considering whether to expand the UGB onto farmland. Meeting the industrial land shortfall affects other industries such as local agriculture and nursery operations that are currently operating outside of the UGB. The agricultural industry will be affected differently, depending on which farmland comes into the UGB, due to differences in productivity of land, location near other farm-related businesses and the massing of farm uses. Discussion on a regional level is needed to develop a clear policy to guide the selection of additional employment lands for inclusion into the UGB.

In order to emphasize the importance of agriculture and urban form in these boundary discussions, a change has been proposed to Metro's Regional Framework Plan (RFP). Chapter 1, Land Use Policy 1.12 of the RFP addresses the protection of agriculture and forest resources. Policy 1.12 does not address potential conflicts with agriculture or forestry practices with the expansion of the UGB.

The proposed policy changes would offer more specific guidance for selection of farmland for inclusion within the UGB, with emphasis on avoiding land that is more important for commercial agriculture in the region. The changes also call for efforts by Metro to work with local governments in the region to reduce the uncertainty faced by farmers in an area of increasing urbanization and the growing conflicts with farming practices.

The proposed changes provide policy guidance by:

- Establishing the Willamette River south of Wilsonville as a natural boundary for the UGB;
- Using the hierarchy of lands under state law as one basis for evaluating the importance of particular farmland to the agricultural industry; and
- Working with neighboring cities and counties to provide the region's farmers with longer-term certainty and better protection for their practices.

BUDGET IMPACT

Adoption of this ordinance does not have an immediate budget impact. Metro completes an evaluation of the impacts on agricultural lands as part of the Alternative Analysis that is prepared for all significant UGB expansions. Although impacts on agricultural land are included in the Alternatives Analysis study, the level of research will need to be expanded to assess the impacts of

including farmland in the UGB on the agricultural industry. This work may require additional resources.

INSIDE B
 THIS SECTION

- ◆ COMMUTING, B3
- ◆ OPINION, B6
- ◆ OBITUARIES, B8

Stewart's spectacular fall: A best-selling author says Martha Stewart's criminal conviction shows, "We may need to find a better motivator for prosperity than personal wealth at the expense of others."

COMMENTARY, Page B7

MONDAY • MARCH 8, 2004

NEWSROOM • 503-221-8100 • NEWSROOM@NEWS.OREGONIAN.COM



RICK BELLA

Nurseryman, soldier in Iraq sow generosity

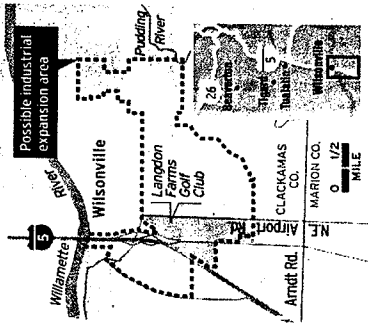
It was a little scary-looking, to tell the truth. Bright orange flames were roaring from the windows of a low-slung, modern-style house on a hilltop west of Sherwood, a column of thick acrid smoke rising past the towering firs nearby.

But for the two dozen-plus firefighters there, this burn-to-learn practice drill was just another day at the office.

And for Glenn Walters, it was his way

METRO LOOKS SOUTH

Metro, the Portland area's regional government, is studying land south of Wilsonville for possible industrial expansion. Many local elected officials and rural residents oppose the idea, but the owner of Langdon Farms Golf Club says his land would be a perfect place for businesses to locate.



PAT MCLAND/THE OREGONIAN

As Metro seeks industrial sites, it will consider an ordinance that would put land south of the Willamette River off-limits

BY LAURA OPPENHEIMER
 THE OREGONIAN

AURORA — When Chris Maletis looks at his 173 acres of fairways and putting greens, he sees the perfect spot for a manufacturing or distribution company.

Nursery owners across the road and elected officials up and down Interstate

Golf course at center of development debate

5, on the other hand, vehemently oppose a crop of businesses on Langdon Farms Golf Club and the surrounding area south of Wilsonville.

A 1,300-acre swath south of the Willamette River is being studied as the Metro regional government scours the Portland area for industrial sites to help revive Oregon's economy.

The land outside Wilsonville represents less than 5 percent of Metro's study, but it attracts most of the controversy: The river is a symbolic barrier between Portland's suburbs and Marion County.

As Metro moves toward a decision in

June, government leaders are mulling legislation that would prohibit Metro from ever crossing the river. Meanwhile, Maletis argues aggressively — and has enlisted a high-profile consultant to help — that today's golf course might be tomorrow's breakaway business.

"It's a great location," said Maletis, who bought the course in 2002 with his brother Tom. "That's what real estate is, no matter what you've got on the ground."

The relatively flat land, bisected by a highway, is nestled a few minutes from an Interstate 5 entrance. The characteris-

Please see **INDUSTRY**, Page B5

Industry: More farmland being studied this year

Continued from Page B1

tics' appeal for industry carried the area this far in Metro's study despite protests.

Nearby residents worry that manufacturing companies would make bad neighbors. Some elected officials worry that Portland and Salem would meld in amoeba fashion. Nursery owners worry that urban businesses would trample their industry.

Metro should pick areas without concentrated farming, said Joe Kupillas, manager of the 60-acre Countryside Nursery. The cluster of farms allows convenient routes for suppliers and distributors, as well as equipment and idea-sharing among nurseries, Kupillas said.

"There's a finite amount of space that can be used as intensively as this is for farming," he said. "Farming's pretty darn important to the economy."

Farming and urban industries have butted heads in recent years as they compete for land.

Metro controls the urban growth boundary, which protects rural areas outside while concentrating development inside. A record-large 2002 boundary expansion met housing needs but came up 2,700 acres short on predicted need for industrial land.

Land may be the last left

State law sets a high bar for paving farms and forests, but some Metro leaders say agricultural property is the only suitable place left for certain types of industry. Metro is studying more farmland this year than in the past.

Metro Councilor Carl Hosticka proposed an ordinance that would cement the importance of agriculture in urban expansions. It also would put land south of the Willamette River and west of the Pudding River permanently off-limits.

"We ought to draw the line at the river," Hosticka said of the Wil-

lamette. "My main goal here is to have an explicit policy stated."

Metro and its stakeholders will discuss the idea this month. Many elected officials along I-5 already support Hosticka.

Wilsonville Mayor Charlotte Lehman has said the city doesn't want to service land south of the Willamette, where industrial expansion could spark a southward march toward Salem. Lehan planned to challenge Hosticka for his Metro seat but pulled out of the race last month, saying they could work together on the boundary-expansion issue.

Woodburn officials say the expansion could harm their industrial efforts. Marion County commissioners have voiced concerns about degrading farmland or being swallowed by Metro — an unlikely possibility for now because Metro's jurisdiction is limited to Multnomah, Clackamas and Washington counties.

Region needs predictability

Government officials, residents and interest groups have joined under the umbrella of Coalition to Save the Valley. Greg Leo, who represents the group, said farmers and cities need long-term guarantees about land availability.

"It's in the region's best interest to provide the predictability solid lines create," Leo said. "The solid line on the south should be the Willamette and the Pudding rivers."

Industrial companies need predictability, too, said Maletis, a competitive golfer who spent most of his career in his family's beverage distribution business. Maletis became interested in industrial possibilities for his land after learning about Metro's study.

Maletis said he didn't want to make large capital investments if the land ultimately should be used for industry. Studying regional land needs convinced him that his golf course was ideal for expansion.

son.

Real estate brokers and city officials report losing potential new companies or expansions because large pieces of land are so scarce.

Studies by groups from the Port of Portland to a governor's task force have named large, flat parcels with good interstate access as a top priority. A state committee said Langdon Farms would be a good fit if it weren't off-limits.

Politicians and industry officials have been outspoken about the need for land, but few publicly advocate expansion south of the Willamette. Maletis has hired Tom Imeson, a partner in former Gov. Neil Goldschmidt's consulting firm. Imeson, a board member for the Port, recently resigned his spot on a Metro advisory committee that will deal with Hosticka's ordinance to avoid a conflict of interest.

Open houses and hearings

Metro is hosting open houses and formal public hearings before voting where to expand. Planners with the government rated transportation, sewer and water prospects in the study area south of the Willamette difficult and graded storm-water work moderate, partly because Wilsonville opposes providing services.

Maletis said farmland to the east should be preserved, even though it shares a study area with the golf course. Langdon Farms sits south of the Charbonneau neighborhood, which was developed before the urban growth boundary was created.

Farther south, the Aurora State Airport and associated businesses mark the gateway to Marion County. The state-run airport, Oregon's fifth-busiest, attracts flight-school planes, business travelers and recreational users. Industrial companies make better neighbors than houses, said state airport manager Daren Griffin, who is monitoring the Metro decision.

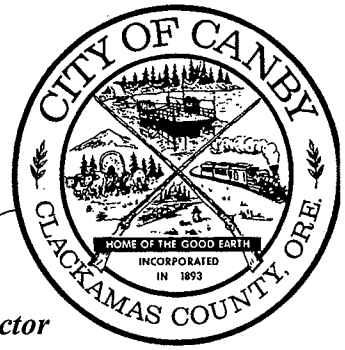
Any industrial expansion should be accompanied by road and utility improvements, said Joel Scoggin of Columbia Helicopters, which runs logging construction and firefighting expeditions from its home base at the airport. Industrial companies could bring better roads and a good enough sewer and

water system for a restaurant to locate at the airport, Scoggin said. "In general, we're in favor of industrial development," he said. "It's all in how they plan for it."

Laura Oppenheimer: 503-294-5957; loppenheimer@news.oregonian.com

MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
DATE: *April 13, 2004*
THROUGH: *Mark C. Adcock, City Administrator*



Issue: Resolution 856, Intention to Reimburse.

Synopsis: The state requires this resolution in order for expenses to qualify for payment with loan proceeds. The Council has indicated a desire to begin work on the Hazel Dell Way project and staff recommends that the costs of that work be wrapped into the OECDD loan proceeds.

Recommendation: Staff recommends the Council adopt Resolution 856.

Rationale: Staff knows of no other funding source to pay the costs for design engineering, surveying, and contract document preparation.

Options: 1. Reject the resolution and either designate other funding sources for this work or delay the work until the loan award is made, which will be several months from now.

Attached: Resolution 856.

RESOLUTION NO. 856

A RESOLUTION ANNOUNCING AN INTENTION TO REIMBURSE INCURRED COSTS ON THE HAZEL DELL WAY PROJECT FROM BOND PROCEEDS.

WHEREAS, The City and Urban Renewal Agency have agreed to file a loan application to the State of Oregon to fund the Hazel Dell Way extension project; and

WHEREAS, In order to complete construction in 2004 certain costs, including engineering and surveying, must be incurred before the loan is awarded; and

WHEREAS, The City intends to reimburse those costs from bond proceeds and a declaration is required to announce that intention in order to qualify those costs for future reimbursement;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

- (1) It is the intent of the City of Canby to reimburse itself from Special Public Works Fund bond proceeds for costs incurred for the extension of Hazel Dell Way.

This resolution will take effect on April 21, 2004.

ADOPTED this 21st day of April, 2004 by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Chaunee Seifried
City Recorder, Pro-Tem

ORDINANCE NO. 1136

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.64 REGARDING APPOINTMENTS TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE CITY OF CANBY.

WHEREAS, Chapter 2.64 of the Canby Municipal Code created a Bicycle and Pedestrian Advisory Committee to advise the City Council about matters associated with bicycle and pedestrian safety issues within the City of Canby, and

WHEREAS, the City Council now wishes to make a change in the appointment process for appointing members to the Bicycle and Pedestrian Committee, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.64.020 of the Canby Municipal Code is amended to read as follows:

"The Bicycle and Pedestrian Committee shall consist of five members appointed by the City Council upon recommendation of the Committee chairperson and the City Council liaison to the Committee. The Mayor may vote only to break a tie, if necessary. No member of the committee shall receive a salary or any payment for any services rendered by the committee. Committee members may be reimbursed, by the city, for expenses incurred and pre-approved in the performance of their duties.

Section 2. Chapter 2.64.030 of the Canby Municipal Code is amended to read as follows:

"Appointees shall hold office for three year terms from July 1 in the year of their appointment. At the expiration of the term of a committee member, the City Council shall appoint a new member or may reappoint a member for a term of three years. If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow CMC 2.64.020 above. Any committee member failing to attend three consecutive committee meetings without approval of the committee chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Bicycle and Pedestrian Committee members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause."

Section 3. All other sections, not amended in this Ordinance, shall remain in full

force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 7, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, April 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Chaunee Seifried
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on April 21, 2004, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder - Pro Tem

ORDINANCE NO. 1137

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.20 REGARDING APPOINTMENTS TO THE LIBRARY BOARD FOR THE CITY OF CANBY PUBLIC LIBRARY.

WHEREAS, Chapter 2.20 of the Canby Municipal Code created a Library Board to advise the City Council about matters associated with the Canby Public Library, and

WHEREAS, the City Council now wishes to make a change in the appointment process for appointing members to the Library Board, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.20.030 of the Canby Municipal Code is amended to read as follows:

"The Library Board shall consist of five members appointed by the City Council upon recommendation of the Board chairperson and the City Council liaison to the Library Board. The Mayor may vote only to break a tie, if necessary. Not less than three members of the board shall be residents of the city. No member of the library board shall have any financial interest, either directly or indirectly, in any contracts to which the library is a party, nor shall any such member receive a salary or any payment for any materials or for any services rendered the board. Board members may be reimbursed for expenses incurred in the performance of their duties.

Section 2. Chapter 2.20.040 of the Canby Municipal Code is amended to read as follows:

"Appointees shall hold office for four year terms from July 1 in the year of their appointment. At the expiration of the term of a committee member, the City Council shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow CMC 2.20.030 above. Any committee member failing to attend three consecutive committee meetings without approval of the committee chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Library Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause."

Section 3. All other sections, not amended in this Ordinance, shall remain in full

force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 7, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, April 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Chaunee Seifried
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on April 21, 2004, by the following vote:

YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder - Pro Tem

ORDINANCE NO. 1138

AN ORDINANCE VACATING A PORTION OF S. SEQUOIA PARKWAY CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES IN THE RECORDING OF CANBY MARKET CENTER PLAT.

WHEREAS, subsequent to a dedication of right-of-way on the Canby Market Center Plat, the City changed the design location of Sequoia Parkway and a 0.08 acre area of the new right-of-way was not needed; and

WHEREAS, the City initiated a vacation of the area as provided for by ORS 271.130; and

WHEREAS, the City Council has determined that the right-of-way was originally dedicated for use as a street, but the street direction has changed and rendered the right-of-way unnecessary; and

WHEREAS, a public hearing correctly noticed was held on this matter before the Canby City Council on April 7, 2004 and all statutory requirements for the vacation were found to be met; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

The public right-of-way as described by the legal description attached as Exhibit "A" shall be vacated and title to the vacated property shall be attached to the neighboring property described as Tax lot 2101 of Map 3-1E-34C.

Submitted to the City Council and read the first time at a regular meeting thereof on Wednesday April 7, 2004; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the City of Canby Charter and to come before the City Council for final reading and action at the regular meeting thereof on Wednesday April 21, 2004 commencing after the hour of 7:30 p.m., at the City Council's Chambers at Canby City Hall, Canby, Oregon.

Chaunee Seifried, City Recorder pro tem

ENACTED by the Canby City Council at a regular meeting thereof on April 21, 2004 by the following vote:

YEAS: _____

NAYS: _____

Melody Thompson, Mayor

2nd Reading
78

ATTEST:

Chaunee Seifried, City Recorder pro tem

City of Canby

SEQUOIA PARKWAY VACATION
CITY OF CANBY TO CANBY MARKET CENTER, LLC

T3S, R1E, Section 34

August 5, 2003

This vacation is a portion of Sequoia Parkway conveyed to the public for right-of-way purposes in the recording of the Canby Market Center Plat, Clackamas County, Oregon, said vacation area being described as follows:

Beginning at the most southerly point of the Sequoia Parkway public right-of-way as identified on the duly recorded plat of Canby Market Center, Clackamas County, Oregon; thence 179.80 feet along a 438 foot radius non-tangent curve right with chord length of 178.54 feet bearing North 12° 29' 15" West; thence North 88° 19' 39" East a distance of 11.74 feet; thence 74.04 feet along a 337 foot radius non-tangent curve left with chord length of 73.89 feet bearing South 21° 00' 40" East; thence South 0° 12' 17" East, 105.68 feet more or less to the point of beginning; said described area totaling approximately .08 acres.

The existing 12 foot Public Utility Easement shall be vacated and an 18 foot Public Utility Easement shall be created parallel and adjacent to the approved Sequoia Parkway Right of Way.

TL 300

ZIMMER

T.3S., R.1E., SEC. 34 W.M.

$\Delta = 12^\circ 35' 18''$
 $R = 337.00$
 $L = 74.04$
 $LC = S 21^\circ 00' 40'' E$
73.89

BURDEN TRACT "A"

12" PUE

$N 0^\circ 12' 17'' W$ 386.51
280.83

11.74

14.04 105.68
179.80

18' PUE

$\Delta = 23^\circ 31' 11''$
 $R = 438.00$
 $L = 179.80$
 $LC = N 12^\circ 29' 15'' W$
178.54

CANBY MARKET CENTER, LLC
T.3 S., R.1 E., SEC. 34 C TL#2101

$N 89^\circ 44' 40'' E$ 227.69

$S 88^\circ 19' 39'' W$
196.02



MOLALLA BRANCH - SOUTHERN
PACIFIC RAILROAD

SEQUOIA PARKWAY VACATION

CITY OF CANBY

SCALE: 1"=100'

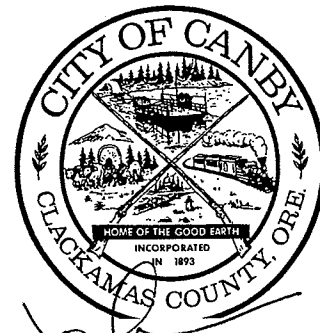
SEQUOIA PARKWAY VACATION MAP - Exhibit B CLACKAMAS COUNTY, OREGON

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

COMMUNITY DEVELOPMENT

MONTHLY REPORT



TO: *Honorable Mayor Thompson and City Council*
FROM: *John Williams, Community Development & Planning Director*
DATE: *April 12, 2004*
THROUGH: *Mark C. Adcock, City Administrator*
RE: *Community Development project status*

Following is the status of major Community Development projects as of April 12. Please call me or the appropriate staff if you have any questions. The updates on Planning and Building revenues and Planning Commission activities are also attached. Items shown with a * are completed and will be deleted from next month's report; items underlined are new additions.

Street Projects

- 1. CDBG grant application.** *No change.* Clackamas County has tentatively agreed to fund our SE 2nd Avenue project in 2006. This project will realign 2nd Avenue through the Canby Telephone Parking lot, vacate a section of the existing 2nd Avenue, and reconstruct the rest of 2nd between Juniper and Locust with sidewalks. *Background:* the Community Development Block Grant program is federal money to fund projects benefiting low-income areas. Funds are available over a three-year period.
- 2. Street maintenance funding.** The City Council has discussed street maintenance funding at a workshop session March 28. The Council discussed timing and public involvement required to move this issue forward, and agreed to study the issue further at a later date. *Background:* The Council has directed staff to spend time and money to work on the details of potential street maintenance funding mechanisms. This work will include a detailed inventory of Canby's commercial buildings, and investigation into potential gas tax revenues.
- 3. 99E/Territorial intersection.** *No change.* The Planning Commission discussed this intersection at length in several recent meetings. Due to recent crashes, the PC is concerned about the timing of this project, so staff is working with Clackamas County and ODOT to see if there's any way to have it moved up or perform some interim work to improve safety. *Background:* This intersection is recommended for funding in the 2004-2007 State Transportation Improvement Program. The project would be funded in the Safety category, is estimated at \$2.97 million, and is scheduled for 2006.
- 4. Arndt Rd. improvements.** We are working to encourage Clackamas County to look at additional design options on this project – specifically, a route across the river directly from NW 3rd Avenue in the industrial area. *Background:* The County has received funding for this long-anticipated project, which will make it much easier for truck traffic to reach I-5 from Canby. The first phase, which straightened the 90 degree turns on Arndt, has been completed. The second phase, which will connect Arndt directly to 99E with a new road along the Molalla River, under the rail trestle, and through Canby Ford, is scheduled for construction in 2005.
- 5. Street project prioritization.** The Urban Renewal Advisory Committee and Agency have

been working on prioritizing street projects within the district. We still need to do this same work with non-district projects, mainly to arrive at a prioritization for SDC projects. Staff will schedule this at some point when the Council has time available.

6. **Highway 99E frontage improvements.** *No change.* Beth Saul recently successfully got ODOT to mow the extensive scotch broom and other weeds along the north side of 99 from Hulbert's to Redwood Street. Also, you may have noticed that the median by the Canby Market Center was cleaned up already – thanks to Beth for scheduling it and Roy for paying for it! Beth, Roy, and I will work to figure out some sort of permanent solution for both of these areas.
7. **Graham Building parking lot.** A lot of work has been going on with this project and you should see it paved and striped soon. Kudos to everyone who's gotten this project moving. *Background:* The city owns roughly 2/3 of this lot with the property owners owning the rest. Georgi Cam got the project going as part of his improvements in the area and is doing the work at cost. The property owners have contributed \$7,000, the City's street fund is chipping in \$10,000, and the Urban Renewal District agreed to pay \$6,000. The street crew is also doing some of the work on the project.

Wastewater Treatment Plant

8. **Sewer rate study.** *No change - ongoing work.* Darvin Tramel is leading a review of sewer rates, as is done periodically. The study will include billing options, capital projects, and potential stormwater charges. We will update the Council as soon as we have some numbers.

Planning

9. **Annexation priority system.** The Planning Commission met to discuss options recently, and directed staff to further develop a matrix idea focused on voter information and education. The next workshop is scheduled for April 26. *Background:* This work is a required element of the state-mandated periodic review process.
10. **Public facilities and services element of the Comprehensive Plan.** Staff has been unable to get to this work and so we're applying for a state grant to complete it and two other required periodic review tasks.
11. **Neighborhood Associations.** *No change – ongoing work.* Matilda's working on an ongoing involvement and training process with the neighborhood associations, as presented to the Council recently. She recently completed the televised workshop. *Background:* the Council has officially recognized two new neighborhood associations: Riverside and Northeast Canby. We have also been working with citizens in SE Canby. Staff will continue to work with these groups to provide information and training.
12. **Green Corridor agreement.*** *No change.* The Council has tentatively approved ODOT's revised version of this agreement that removes any substantial financial commitment. ODOT has not produced a signed copy for the Mayor's signature, and ODOT staff seem to feel that Salem is not going to approve this version either. *Background:* In 1998 the Council, the County Commission, Metro, and ODOT tentatively agreed to an agreement dealing with growth issues and Highway 99E development but ODOT later refused to sign, citing budget shortfalls which would prevent them from implementing their portion of the agreement.
13. **Historic Review Board.** *No change.* The HRB and staff worked together to submit a grant application for various projects relating to historic preservation. *Background:* Canby's CLG

designation will give us access to a pool of funding for historic preservation and education projects.

14. **Heritage Tree Inventory.** *No change – ongoing work.* Matilda Deas is leading a project to inventory Canby's historic trees. The project has support from the Canby School District, Oregon Department of Forestry, Oregon State Extension Services, and numerous volunteers around town. The inventory should be completed this month, and Ackerman students will be doing oral histories of the trees this fall. The City Council will be designating volunteer participants at the end.
15. **Community Park project.** *No change – ongoing work.* The phase I work is completed and Matilda is looking for business partners to support the High School's native plant nursery, which will provide plants for future phases. Matilda is preparing a presentation for the Council and Planning Commission on this topic.
16. **Northwoods LUBA appeal.** The Court of Appeals has heard oral arguments in this case and is expected to issue an opinion by this summer. *Background:* LUBA issued a decision in favor of the City's approval of the Northwoods UGB amendment and zone change. Their decision has now been appealed to the Court of Appeals. In turn, Northwoods has filed a "cross-appeal" on a different issue, seeking to have the first appeal overturned.
17. **NE Canby Master Plan.** We have moved to the contract negotiation stage with a contractor on this project. The good news is the TGM program has allowed us to add several "peripheral" elements to this grant, including the development of a traffic model for Canby and an analysis of traffic projects needed to develop the Canby Pioneer Industrial Park. *Background:* This project will create a master plan addressing land use, design, parks/open space provision, and infrastructure issues for the area bounded by Highway 99E, SE 1st Avenue, Haines Road, and NE Territorial. Currently we are hoping to receive \$65,000 from the state for this project.
18. **Other master plans.** Staff is beginning to look at a scope of work to develop master plans for many of the smaller areas likely to be developed in the near future – including both areas that could potentially be rezoned and areas that could be annexed. These plans will be done on a time available basis. Most likely, those plans with significant public input from area residents will be prioritized and completed first.
19. **Stormwater planning.** *No change – ongoing work.* Planning staff is working with Roy Hester, Darvin Tramel, and Curt McLeod to address new DEQ/EPA requirements regarding stormwater disposal. We are working to develop a long-range vision for stormwater disposal and a maintenance/financing plan.
20. **Apollo Homes appeal.** The Planning Commission has issued an oral decision in favor of Apollo's revised application, which addressed seven areas of concern initially expressed by the Commission in their denial. The Commission is scheduled to review the written findings on April 12.

Urban Renewal

21. **Economic Development Plan.** At this point, staff is developing action plans for the strategies prioritized by the community review groups. We will be working with staff from other local entities as appropriate on this. *Background:* the Council directed staff to focus on economic development at its January 2003 goal-setting session. Workshops were held with the Council, CBRD Board, Urban Renewal Advisory Committee, Chamber of Commerce

Board, Fire Board, Planning Commission, and industrial business group to review and prioritize strategic actions.

22. **Development of ED Web Site.** *No change – ongoing.* Our new site (www.canbybusiness.com) is up and running, although it only has a minimum of information on it. We are working to develop a user-friendly economic development web site to serve as a home for our industrial and commercial recruitment efforts. *Background:* This work became a priority as we've learned that many site selectors now do their initial research entirely on the internet and screen out communities that don't have easily accessible information.
23. **Industrial recruitments.** *No change – ongoing work.* Staff continues to work very hard on industrial recruitments and has noted an increase in interest in recent months, possibly connected with an economic recovery (?).
24. **S. Sequoia Parkway stage 2.** This project is largely complete except for installation of street trees and some final grading and utility work. *Background:* The Urban Renewal Agency is funding this \$1.3 million project with tax increment revenues.
25. **S. Sequoia/4th Avenue (stage 3).** The Council and Agency have agreed to go ahead with this next stage of construction, which will connect Sequoia and 4th Avenue. Costs are expected to be approximately \$1.05 million and will be financed with a similar MOU to the stage 2 construction. The loan application has been approved by the Council and is being reviewed by OECDD.
26. **Hazeldell Way.** The Agency has reviewed and approved an agreement with property owners to pay for this road, with a 40% URD/60% property owners cost allocation. We will now move forward with a loan application to OECDD and will hopefully be able to construct the project this summer. *Background:* Hazeldell Way will serve as a connection between SE 1st Avenue and Sequoia Parkway (this will take on increased importance when the 1st/Sequoia intersection becomes right-in/right-out only). The project is expected to cost approximately \$1,160,000 including right-of-way acquisition.
27. **Urban Renewal Advisory Committee.** The Urban Renewal Advisory Committee met March 9 with the Agency in a workshop session to review roles and responsibilities. As a result, we are going to work towards a new process for developing the Urban Renewal project list and annual budget. The URDAC will meet April 13 to discuss next steps and begin formulating long-term and short-term prioritized project lists.

Canby Development

Monthly Report

March 31, 2004


BUILDING PERMIT DATA		
PERMIT TYPE	PERMITS ISSUED	VALUATION
<i>BUILDING PERMITS SFR</i>	<i>3</i>	<i>\$842,021</i>
<i>BUILDING PERMITS MULTIFAMILY</i>	<i>0</i>	<i>\$0</i>
<i>MECHANICAL</i>	<i>14</i>	<i>\$0</i>
<i>ADDITIONS NON-RESIDENTIAL</i>	<i>2</i>	<i>\$32,292</i>
<i>ADDITIONS RESIDENTIAL</i>	<i>2</i>	<i>\$103,000</i>
<i>OTHER</i>	<i>7</i>	<i>\$62,000</i>
<u>MONTH</u>	<u>28</u>	<u>\$1,039,313</u>
<u>YEAR</u>	<u>0</u>	<u>\$5,772,362</u>

FEEES AND CHARGES UPDATE		
	<i>MONTH</i>	<i>YEAR</i>
<i>Stormwater SDC</i>	<i>\$140</i>	<i>\$1,818</i>
<i>Sewer SDC</i>	<i>\$5,703</i>	<i>\$49,496</i>
<i>Construction Excise Tax</i>	<i>\$5,327</i>	<i>\$27,788</i>
<i>Parks SDC</i>	<i>\$15,876</i>	<i>\$90,457</i>
<i>Transportation SDC</i>	<i>\$5,889</i>	<i>\$49,758</i>
<i>Advanced Financing</i>	<i>\$1,228</i>	<i>\$2,571</i>
<i>Building Department Fees</i>	<i>\$9,797</i>	<i>\$37,793</i>
<i>Planning Department Fees</i>	<i>\$595</i>	<i>\$3,575</i>

INSPECTIONS	
<i>MONTH</i>	<i>249</i>
<i>YEAR</i>	<i>649</i>



MEMORANDUM

DATE: APRIL 12, 2004
TO: MARK ADCOCK
FROM: MARGARET YOCHEM 
RE: TRANSIT & GENERAL SERVICES UPDATE FOR MARCH

Transit

- March ridership report attached ~ **Another record set**
- Continuing work on Budget
- Held Pre-bid conference for future and immediate needs facilities
- Hosted City Mandatory Customer Service Trainings
- Wrote two Department of Energy Grants FY '03-04 & '04-05
- Continuation of public process with regards to Trimet's line #35 pull out
- Presented Special Transportation Grant (rec'd \$65,336)
- Presented Elderly & Disabled Grant (rec'd \$84,484)

Meetings and other functions

Elderly & Disabled Transportation Planning

Social Services Steering Committee

Oregon Transit Association

CAT Committee

Clackamas Consortium

City Health Insurance Committee

Budget Committee Meetings

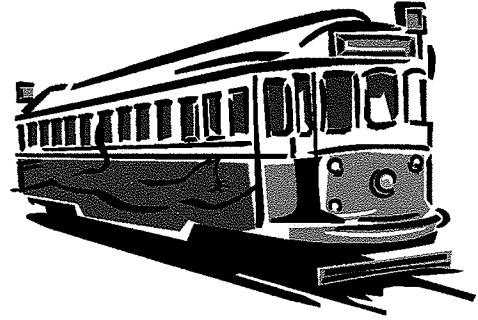
Tech Services

- Work orders as needed

Fleet Services

- Ongoing maintenance of City's rolling stock

The City of Canby Transportation Advisory Committee Meeting



Date: Wednesday, April 14, 2004
Time: 5:00 - 6:30 p.m.
Place: City Hall Main Conference Room

Meeting Agenda:

A. Old Business

1. Review of February minutes
2. Express service to Oregon City peak hours
3. Ride Report Recap
4. Advisory Committee openings
5. County Fair

B. New Business

1. FY 04-05 budget discussion
2. Placement of Shelters in FY 04-05
3. Foursquare stop

****Please call if you would like to submit an agenda item**

Final Discussion

**Please join us for cake and punch after the meeting to wish a fond farewell to
Advisory Committee members Bob Trappe & Steve Allen**

Advisory Committee

Jean Tallman – Chairperson

Clair Kuppenbender

Suzanne Van Amburgh

Patrick Johnson - Council Liaison

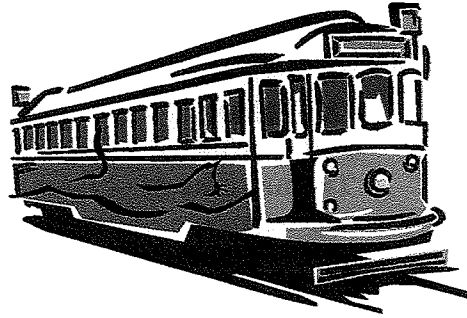
Richard Ball

Caroline McFarland

Michael Calvert

Steven Willis

**The City of Canby
Transportation Advisory
Committee Meeting**



February 11, 2004

City Hall Main Conference Room

Members Present:

Clair Kuppenbender
Michael Calvert
Suzanne VanAmburgh
Patrick Johnson

Jean Tallman
Richard Ball
Margaret Yochem

Bob Trappe
Steve Allen
Tracy Harris

Members Absent:

Carolyn McFarlane

Steven Willis

Discussion Items:

A. Old Business

Minutes – Reviewed December minutes.

Ride Reports – Reviewed ridership for the month of November

Canby Ridership Report – Margaret reported that our highest ridership to date at 731 occurred on January 28, 2004.

Inclement Weather Report

Margaret reported that the buses were chained during the bad weather in January. January 3 was the worst day. As a courtesy the elderly were called to see if they needed milk, bread, or any supplies.

Steve Allen reported that the SMART buses ran except for Canby and Salem. The Wilsonville to Portland run was pretty close to normal, it did run about 25 minutes late. All businesses in Wilsonville were closed, therefore commuters who did not check in with their place of business had to catch a ride back.

A discussion followed regarding the need for policies and procedures for inclement weather, and the possibility of reporting to the television and radio stations.

Wilsonville Ridership Report – Steve reported that the Wilsonville/Canby run now averages 743 riders. October had a high of 1007. January had a low of 640. He spoke of continuing the run through the 2005 fiscal year, with the possibility of adding a midday service.

Future agenda items: Possibility of running buses for special events, i.e. Clackamas County Fair; the Fly Show in Aurora, etc.

Next meeting: 5:00 p.m. on April 14th in the City Hall Conference Room.

Meeting adjourned 6:15 p.m.

Margaret's Daily Recap

March-2004

DAY	O/C #1	O/C #2	S. Canby	N. Canby	Lift 1	Lift 2	Sat Lift	Special	Totals
1	182	171	126	88	13	8	0		588
2	159	147	133	95	13	11	0		558
3	119	127	152	104	15	10	0		527
4	144	126	171	80	16	6	0		543
5	137	174	194	117	16	10	0		648
6	130	0	89	73	0	0	9		301
7	0	0	0	0	0	0	0		0
8	165	146	126	124	13	15	0		589
9	169	170	172	93	11	13	0		628
10	159	163	154	137	19	4	0		636
11	161	141	135	125	20	8	0		590
12	176	195	141	115	10	13	0		650
13	130	0	74	68	0	0	9		281
14	0	0	0	0	0	0	0		0
15	149	148	182	104	6	14	0		603
16	151	152	206	132	6	14	0		661
17	168	160	190	106	13	7	0		644
18	173	162	169	132	11	18	0		665
19	147	140	143	108	23	4	0		565
20	152	0	63	65	0	0	7		287
21	0	0	0	0	0	0	0		0
22	193	171	160	120	13	7	0		664
23	170	168	104	145	10	7	0		604
24	186	118	167	135	17	0	0		623
25	138	117	195	155	7	18	0		630
26	152	132	149	134	12	13	0		592
27	133	0	100	99	0	0	13		345
28	0	0	0	0	0	0	0		0
29	178	196	120	121	10	13	0		638
30	178	134	152	126	14	18	0		622
31	153	180	184	149	11	13	0		690
Totals	4252	3538	3951	3050	299	244	38	0	15372

Passenger Statistics: Canby Area Transit Fixed Routes -- Weekday

Oregon City #1

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	42	76	86	85	56	54	97	88	102				686
Disabled	49	53	102	101	116	90	121	93	91				816
General Public	2,397	2,287	2,295	2,827	2,126	2,286	2,098	2,259	2,606				21,181
Youth	1,091	1,345	965	1,130	913	1,038	1,010	1,041	908				9,441
Child	0	0	0	0	0	0	0	0	0				0
Aides/Other	0	0	0	0	0	0	0	0	0				0
Totals	3,579	3,761	3,448	4,143	3,211	3,468	3,326	3,481	3,707	0	0	0	32,124

Oregon City #2

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	33	60	58	57	30	32	39	26	101				436
Disabled	26	53	86	73	39	47	32	22	46				424
General Public	1,814	1,842	1,990	2,278	1,779	1,860	1,921	1,957	2,323				17,764
Youth	845	1,002	882	1,006	757	779	889	934	1,068				8,162
Child	0	0	0	0	0	0	0	0	0				0
Aides/Other	0	0	0	0	0	0	0	0	0				0
Totals	2,718	2,957	3,016	3,414	2,605	2,718	2,881	2,939	3,538	0	0	0	26,786

Canby-South

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	153	118	153	144	103	146	143	158	198				1,316
Disabled	26	26	82	115	140	103	105	80	82				759
General Public	1,096	1,189	971	1,117	996	1,343	1,251	1,234	1,419				10,616
Youth	1,434	1,626	1,566	1,685	1,710	1,723	1,644	1,960	1,926				15,274
Child	0	0	0	0	0	0	0	0	0				0
Aides/Other	0	0	0	0	0	0	0	0	0				0
Totals	2,709	2,959	2,772	3,061	2,949	3,315	3,143	3,432	3,625				27,965

Canby-North

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	41	66	90	70	49	68	70	65	76				595
Disabled	27	28	41	71	65	76	73	81	57				519
General Public	1,094	1,030	762	872	831	1,198	970	1,120	1,192				9,069
Youth	1,241	1,224	1,093	1,320	1,321	1,368	1,275	1,393	1,420				11,655
Child	0	0	0	0	0	0	0	0	0				0
Aides/Other	0	0	0	0	0	0	0	0	0				0
Totals	2,403	2,348	1,986	2,333	2,266	2,710	2,388	2,659	2,745				21,838

Passenger Statistics: Canby Area Transit Saturday -- . Saturday *July 03 - Feb. 04 Saturday figures are included in weekday above.

Saturday Lift

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	22	27	17	41	35	35	31	31	18				257
Disabled	2	12	6	8	14	11	12	19	20				104
General Public	0	0	0	0	0	0	0	2	0				2
Youth	0	0	0	0	0	0	0	0	0				0
Child	0	0	0	0	0	0	0	0	0				0
Aides/Other	0	0	0	0	0	0	0	0	0				0
Totals	24	39	23	49	49	46	43	52	38				363

Saturday Oregon City

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior									10				10
Disabled									1				1
General Public									325				325
Youth									209				209
Child									0				0
Aides/Other									0				0
Totals									545				545

Saturday Canby North

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior									8				8
Disabled									5				5
General Public									135				135
Youth									157				157
Child									0				0
Aides/Other									0				0
Totals									305				305

Saturday Canby South

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior									19				19
Disabled									3				3
General Public									121				121
Youth									183				183
Child									0				0
Aides/Other									0				0
Totals									326				326

Passenger Statistics: Canby Area Transit Special Event

Passenger Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Senior	0												0
Disabled	0												0
General Public	75												75
Youth	40												40
Child	0												0
Aides/Other	0												0
Totals	115	0	0	0	0	0	0	0	0	0	0	0	115
Grand Totals	11,833	12,355	11,492	13,489	11,430	12,591	12,145	12,991	15,372	0	0	0	113,698

To: Honorable Mayor Thompson, City Council

From: Mark Adcock

Through: Beth Saul

Set up by: Jeff Snyder

Subject: Parks Report for March, 2004

Date: April, 12, 2004



C.C.C.C. = Clackamas County Correction Crew.

* = no specific information for this area.

Adult Center

- Mowed and string trimmed.
- Turned on the drinking fountain.

Arneson Garden horticultural park*

Baker Prairie Cemetery

- Cut up and removed storm debris.

City Hall*

Community Park (River)

- Turned on the water and opened the restrooms for the season.
- Repaired fountain at the covered picnic area.
- Pulled shopping carts out of the pond and cleared culvert.
- Mowed and string trimmed.
- Repaired flush valve in the men's restroom.

Eco Park natural area*

Faist V property*

Holly & Territorial welcome sign property*

Hulbert's Welcome Sign property

- Mowed and string trimmed.

Library*

Locust Street

- Mowed and string trimmed.
- Opened the restrooms for the season.
- Volunteers / neighbors weeded the shrub beds.
- Trimmed shrubs and spread bark dust.

Logging Road Trail and Fish Eddy/Log Boom property

- Repaired cyclone fence gate on the forest road behind the Shop Complex, (Rammed with a vehicle).
- Turned on the drinking fountains.
- Built and replaced damaged bollards, (damaged during Police pursuit).

Maple Street Park

- Weeded shrub beds.
- Met with John Campbell from Tualatin Hills Park and Recreation District to discuss good infield maintenance practices.
- CCCC weeded shrub beds

Maple Street Park Continued

- Opened restroom for the season. Charged up water system in the concession building. Repaired leaky plumbing in the restroom building. Turned on and repaired drinking fountains.
- Painted over graffiti.
- Installed Park Closed @ 10 PM signs.
- Repaired spring animal in the South play area.
- Trimmed trees.
- Spread bark dust in the shrub beds.

Nineteenth Loop natural area*

Skate Park

- Turned on the drinking fountain.
- Installed Park Closed @ 10 PM sign.
- Repaired floor drain screen in the big bowl.
- Spread bark dust in the shrub beds.

Shop Grounds

- Weeded shrub beds, trimmed shrubs.
- Mowed and string trimmed.
- Cleaned equipment.
- Cleaned up debris around dumpster.

Swim Center

- Weeded shrub beds.
- Mowed and string trimmed.

Thirteenth Avenue future park property

- Met with John Vredenburg to discuss the possible location of a fence to keep park patrons from creating a trail through the middle of the soccer field.
- Mowed and string trimmed.

Territorial Estates, Future CLC Park*

Transit Building

- Met with Deer Creek Nursery, gave them the hanging flower baskets for second Ave. light poles.

Triangle Park

- Turned on the drinking fountain.

Wait Park

- The plumbing inspection was approved by Clackamas County for McKee Plumbing in the restroom building.
- Installed exterior vents to the eaves of the restroom building.
- Mounted the stall dividers in the men's and women's restroom.
- Finished caulking the exterior of the restroom building.
- Repaired the four seat spring sea saw in the North play area.
- Turned on drinking fountains.
- CCCC weeded shrub beds and picked up debris.
- Ordered Mag-Locks (timed locks) for the restroom building.

Willow Creek Wetlands*

Training/Meetings/Miscellaneous

- Attended City Safety Committee meeting and crew Safety Committee meeting.
- E-mailed CCCC work orders.
- Wrote monthly report.

Training/Meeting/Miscellaneous Continued

- Wrote up MACS minutes and agenda, also attended irrigation workshop in Albany.
- Wrote a request to Canby Utility for assistance in removing the light poles at Maple St. Park. The Canby Utility board will donated the man power and time to get the poles to the ground.
- Met with Beth Saul to discuss 04-05 Parks budget.
- Met with Adult Center committee to discuss Capital improvement needs.
- Attended customer service training class @ the Library.
- Wrote memo to Canby Utility regarding the meter size at 13Ave. Park.

Monthly Report

From: Eric Laitinen, Aquatic Program Manager

Date: 04/08/04

Re: March Report

March was a good month at the Canby Swim Center, attendance and revenue were both up for the month. Attendance was up 1000 swims this month over last year. The main difference was in school lessons, school lessons due to adding Molalla, were up a lot. Other programs averaged out to be the same as last year some were a little higher and some were a little lower. In revenue a couple line items were down slightly, but passes and lessons were both far ahead of last year. The total for the month puts revenue up over last years March by \$1,600. 2004 is still behind 2003 in both revenue and attendance, but we are now gaining ground.

The Molalla swimming lessons have started and are going well. We will be very busy with the school lessons from now until the end of May. All the Molalla district elementary schools are taking lessons this year. Last year none of the Molalla schools had lessons here in anticipation of their pool opening.

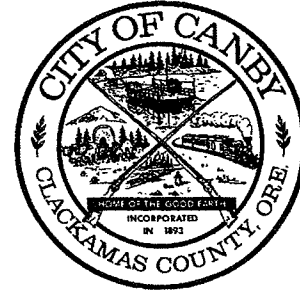
David and I along with a guest instructor Nathan Templeman taught a lifeguard training course during spring break. The class went very well as there were eight full time students, as well as, some lifeguards that came in for a re-fresher. We hope to add some of the lifeguards from the class to our staff over the next month in preparation of the summer programs. The Program Coordinator position that was left open by James Adams has been filled by our head guard of the last year and a half Sara Hill. Sara is ready to continue in her career development at the Canby Swim Center.

We expect to have our A.E.D. soon . As soon as we get it along with a trainer we will be getting all the staff trained on the equipment. David and I believe it is important to be as prepared for any emergency as we can. The A.E.D. will add to the ability for the swim center to offer urgent care in the case of an emergency.

FROM : ERIC LAITINEN, AQUATIC PROGRAM MANAGER
SUBJECT: MONTHLY REPORT FOR MARCH 2004
DATE: APRIL 8, 2004

CANBY SWIM CENTER MARCH 2004	ADMIT 2003	ADMIT 2004	PASS 2003	PASS 2004	TOTAL 2003	TOTAL 2004	YTD TOTAL O2-O3	YTD TOTAL O3-O4
MORNING LAP	65	37	335	318	400	355	3055	2802
ADULT RECREATION SWIM	115	105	410	522	525	627	4331	4464
MORNING WATER EXERCISE	230	211	0	0	230	211	1443	1597
PARENT/ CHILD	110	60	0	0	110	60	683	468
MORNING PUBLIC LESSONS	0	0	0	0	0	0	5565	3371
SCHOOL LESSONS	100	1212	0	0	100	1212	3450	5676
NOON LAP	45	83	151	161	196	244	1721	1921
FAMILY SWIM	24	53	0	0	24	53	127	183
AFTERNOON PUBLIC	414	370	0	27	414	397	2852	2406
PENGUIN CLUB	0	0	0	0	0	0	908	726
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	2893	2663
CANBY SWIM CLUB	0	0	694	722	694	722	7308	6868
N. MARION H.S. SWIM TEAM	0	0	0	0	0	0	0	0
EVENING LESSONS	565	810	0	0	565	810	4872	5594
EVENING LAP SWIM	32	33	88	32	120	65	811	620
EVENING PUBLIC SWIM	802	605	67	35	869	640	5365	4732
EVENING WATER EXERCISE	99	121	0	0	99	121	1175	917
ADULT LESSONS	0	0	0	0	0	0	15	0
GROUPS AND RENTALS	534	380	0	0	534	380	3294	2730
WATER POLO	0	0	0	0	0	0	74	0
OUTREACH SWIMMING	0	0	0	0	0	0	247	218
TOTAL ATTENDANCE	3,135	4,080	1,745	1,817	4,880	5,897	50189	47956

**CANBY PUBLIC LIBRARY
MONTHLY REPORT
March 2004**



TO: Honorable Mayor Thompson
and City Council
FROM: Mark Adcock, City Administrator
Beth Saul, Library Director
PREPARED BY: Marty Moretty, Library Coordinator
DATE: April 1, 2004

Facility:

- *Once again, plumbing repairs and a new phone jack installation.
- *The Biography section has now been completely recataloged, relabeled, and integrated into the adult non-fiction section. Juvenile paperbacks are also in the process of being recataloged and will also be mixed in with the juvenile fiction. This has allowed the removal of two shelving units and has created a larger area to be used creatively for programming. Changes have also been made in Young Adults, Juvenile, Spanish, and Easy Reader collections. These transformations have allowed for the juvenile area to be configured for larger programs.
- *Much of the Spanish collection has been integrated into the regular collections leaving mostly the book collection in an area that now doesn't feel so closed in. A small seating area has also been created.
- *The genre fiction paperbacks have also been re-catalogued and are now part of the regular adult hardback collection. A shelving unit previously in the Spanish section has been moved over in front of the Adult Fiction to allow for the additional space needed for the paperbacks.
- *Used cash register has been set up at the new checkout center to allow for fast, simple transactions. This month saw experimenting with limited check-out, fine payments, and book sales only. We are trying to accommodate a traffic pattern that won't detract from the regular flow into the Library. The main circulation desk will handle internets, hold shelf, and more detailed transactions but even that process is being rethought!
- *Spanish young childrens books, leappad and cassette kits, have

been relocated to the Addison Room so the collection can be in the same room as the youngsters play. Even a shelving unit has been moved so that the room can hold a larger group for special events or storytime.

Programs:

- *Donations are still being received for the Summer Reading program and Peggy is finalizing the program, materials needed, and booklists. The committee's in high gear with the program to run from June 7-July 3. Flyers are in the works to send out to all the District school children.
- *Our third "Family Evening at the Library" was held on March 28th, through the Ready to Read Grant from the Oregon State Library and a donation from the Friends. The free program began at 6:30pm and musicians Jen and Wendy Bernard delighted about 75 in attendance.
- *The Fiber Arts Display ran through the end of the month and those who purchased items were allowed to pick them up after the 31st.

Volunteers:

- *Contributed 232 hrs. this month by assisting in shelving, sorting, pick lists, cataloging and processing, book mending, programs, shelf shifting, and cleaning.
- *Volunteers Doug Swartz and Caroline Ritter announced that they are "tying the knot" - not that we had anything to do with it, but we did decide to give them most of the week off!
- *Members of Tom Kelley's Sunday School class at Canby Christian are volunteering time every Sunday to sweep and clean up around the entrance and outside of the Library building.

Friends of the Library:

- * Monthly "Friday Surprise" book sale was not held this month due conflicting vacations and events for the Friends.
- *Purchased new release DVD's and videocassettes to the Library with the express purpose of adding popularly requested items into our collection to add to circulation. It is not uncommon to have a newly released movie have upwards of 300 holds as soon as it becomes available for checkout. By purchasing these multiple copies, Canby reaps the benefit of checkouts.
- * Sorting and shelving donations at least twice a week. The Monday and Thursday teams are really getting organized and

Frank was able to work on Marty's "honey-do" list - battery replacements, cabinet repair, and under counter hooks, to name a few. Canby Library Friend Troy Moore repaired curtain rod holder in the book sale room which required many trips up and down the ladder!

*The Friends placed a framed picture and plaque in loving memory of Maxine Holderness in their book sale room.

*Book of the Month Club facilitated by Dale Liberty, met March 9th to review "Book Lust" by Seattle librarian and author Nancy Pearl. It spurred the group to choose the book selections through October.

To: Honorable Mayor Thompson
City Council
From: Roy Hester
Subject: Public Works Report for March 2004
Date: April 1, 2004

MARCH

Street Department

- Took down auction banner.
- Gave Daniel Fraijo, new public works employee, a quick tour of the City.
- Put up St. Josef's banner.
- Sprayed herbicide on noxious weeds around Maple trees on 1st Avenue.
- Took down St Josef banner.
- Picked up air compressor in Portland, needed repair.

Streets:

- Reapplied thermo plastic to cross-walk at NW 5th and Cedar Street.
- Swept streets 3-11-04.
- Swept streets 3-19-04.
- Layout out SE 13th area for parking lot.
- Swept streets 3-29-04.
- Worked on the new driveway approach at SE 13th park.
- Finished 2nd driveway approach at SE 13th park.
- Bladed sod from area for parking lot and set elevation grade stakes for rock base.

Sidewalks and Curbs:

- Removed sidewalk for new driveway entrances at SE 13th Street park.

Signs:

- Marked area's on SW 11th for neighborhood watch signs.
- Made street name signs for Garden Crossing.
- Installed stop sign and street name signs and posts at Garden Crossing.

Street Lights:

- Repaired (4) street lights.
- Repaired (2) street lights.
- Repaired (2) street lights.

Street Trees:

- Trimmed tree limbs hitting against power poles.
- Picked up (10) Dogwood trees in Gresham for the Bair House.
- Started preparing the planter strip area at Bair House.
- Planted the (10) trees at the Bair House.
- Trimming low branches over hanging house at NE 9th.
- Inspected hazardous trees with Matilda.
- Cut to ground level (5) stumps and will grind at a later date.
- Planted (25) trees for Parks Department at SE 13th.
- Watered down new trees at park and also planted (1) more.

Special Projects:

- Replaced furnace filters at Transit/Finance offices.
- Repaired shelf at Planning Department.

- Worked with George Cam on parking lot with grade, storm and catch basin issues.

Sanitary Sewer and Storm Drains:

- Worked on S Elm Street culvert.
- Cleaned up sewer grease from SC lift station out of the drying bed.
- TV'd sewer main on Township Road looking for sanitary lateral to 1222 SE Township Road, not there.
- Cleared brush & debris from S Elm Culvert, the beaver is very angry.
- TV'd and located sanitary sewer at Dr. Hagler's office (note: needs replaced).
- Took Daniel Fraijo around to the lift stations.
- Cleaned catch basins.
- TV'd sewer main between N Holly and N Ivy, locating sewer lateral.
- Replaced catch basin on SW 6th, the previous catch basin caved in.
- Started on sewer lateral installation on SE 13th for the park.
- Worked on sewer line at SE 13th Street.
- Completed sewer line at SE 13th Street.
- Washed sewer mains on S Locust.
- Helped contractor with sewer lateral at 130 NW 9th.

Locates:

Thirty-six (36) locates were done during March.

Erosion Control:

- Did (1) final erosion control inspection.
- Did (3) erosion inspections.
- Did (2) erosion inspections.
- Did (1) final erosion inspection.
- Did (2) erosion inspections.
- Did (2) erosion inspections.
- Did (4) erosion inspections.
- Did (3) final erosion inspections.

Inspections for the month include the following:

- Inspected (1) sewer lateral replacement.
- Inspected (1) sewer lateral.
- Inspected (4) sewer laterals.
- Inspected (1) sewer lateral on a private lift station.
- Inspected (2) sewer laterals.

Complaint/Inquiry Request:

- Twelve (12) complaints/Inquiries for the month of March.

Meetings/Miscellaneous:

- Attended Preapplication meeting for BBC Steel.
- Attended EOC meeting.
- Attended Preapplication meeting for Postlewait Estates.
- Attended Traffic Safety Committee meeting.
- Roy, Craig and Daniel attended the Customer Service class.
- Met with George Cam on parking lot rebuild on NW 2nd Avenue.
- Lou and Les attended the Customer Service class.
- Met with George Cam and discussed a couple of issues on the parking lot.

CANBY ADULT CENTER MARCH 2004

MARCH SERVICE LEVELS		YTD	LAST YEAR
CONGREGATE	60 YEARS (includes congregate, guests)		
1202/month	67 average/day	9588/year	1069/month
UNDER 60	(includes volunteers, guests and staff)		
101/month	6 average/day	865year	84/month
\$1.74 average donation			\$1.84 average
HOME DELIVERED MEALS (Includes T19)			
1490/month	83 average/day	11,839/ year	1379/month
UNDER 60 (T19)			
18/month	1 average/day	299/year	77month
\$ 1.11 average donation			\$.87 average
O.P.I. meals (Project Independence)			
18/month	1 average/day	285/year	61/month
TOTAL MEALS			
2829/month	157 average/day	22,949/ year	2,670/month

CLIENT SERVICES	MONTH	YEAR TO DATE
47 unduplicated clients		433
Assessments	6	51
Case Monitoring	27	291
Community Outreach	14	87
Info & Referral	103	827

TRANSPORTATION		
14 average rides/day	1075 miles per month	244 rides/month
0 new riders this month		

VOLUNTEER HOURS	
1841/ month	80 average/day

OTHER CENTER USE (Those who use the center but did not eat or volunteer)
1390 people signed in

FUNDRAISING

\$304.00	Gifts, memorials and donations
\$1,648.00	Rentals
\$3,183.10	Center Projects
\$411.25	Bingo

CENTER INFORMATION

In March we made some major changes in office space. Thus far, everyone seems to be content with the new arrangement. Perhaps in a few months we can think about actually putting walls up so Mary can have a private office with a door.

The computer room located in the back of the building is better for classes as there are no interruptions to use the copy machine and far less noise in general.

With Beth Saul's approval, we had Canby Electric come in and replace can lights with square fluorescent fixtures in both hallways. Visibility is much improved.

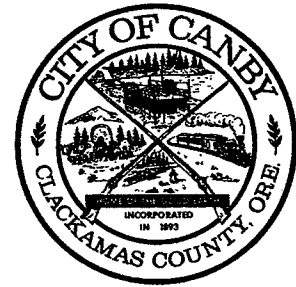
Share a Meal was well received with over 347 meals delivered. Income generated totaled \$2248 however, I still have not received a list of the expenses.

I began working on next fiscal year's budget this month. I hope to have it completed in late April so I can present it to the Board at the May meeting.

As usual, we had quite a few rentals during the month. I'm told our building is still the best location for anniversaries and receptions.

I have been busy this month completing Cost for Service summaries for OAA. Now have completed figures for all Client Services and am working next on our nutrition services. If I can show need, we may be able to get an increase in funding per meal.

WASTEWATER TREATMENT FACILITY MONTHLY REPORT



To: *Honorable Mayor Thompson, City Council*
From: *Mark Adcock*
Through: *John Williams*
Prepared by: *Darvin Tramel*
Subject: *March 2004 Wastewater Treatment Report*
Date: *April 13, 2004*

Facility Operations & Maintenance & Construction:

Facility operations and effluent quality was good to excellent, with no interruption of services or violations for the month of March. Staff has been working with the new biosolids conveyor and loading truck to maximize the process of biosolids application. To this date we have not received any complaints from adjoining land owners, concerning the odor of our new cake product. Operations at the facility have been busy due to the unusual warm weather, as we try to keep up with the mowing, edging, weeding and ground maintenance.

Major maintenance activities included sending one of the two recirculating pumps in for rewinding. Will check to see if this is still a warranty issue.

There are no construction activities taking place at the treatment facility.

<u>New Connections:</u>	3	<u>Monthly Averages:</u>	
<u>Total Connections:</u>	5215	<u>Effluent BOD₅:</u>	7 mg/l
<u>Average Flow:</u>	0.9875 mgd	<u>Effluent CBOD₅:</u>	3 mg/l
<u>Fecal Coli</u>	18	<u>Effluent TSS:</u>	7 mg/l

Biosolids Program:

The City of Canby applied 258 cubic yards of dewatered cake to the Hein site.

Pretreatment Program:

During the month of March I have been working with DEQ on an agreement to develop a Mercury Management Plan.

Meetings and Training Attended

I attended meetings with the Oregon ACWA pretreatment, the Pacific Northwest Pretreatment Conference and our City storm water committee. Training for the month of March included, Dave Conner attending Clackamas Community College Wastewater Short School.

*"A community is known
by the schools it keeps."*



1110 S. Ivy Street
Canby, OR 97013-3838
(503) 266-7861
Fax: (503) 266-0022

RECEIVED

APR 09 2004

CITY OF CANBY

CANBY
SCHOOL DISTRICT

To: Mayor & CC
I thought you'd
find it interesting.
The
MOS
4-9-04

April 6, 2004

Dear Facility Planning Task Force Members:

I would like to extend my sincere appreciation for your participation on our district's Facility Planning Task Force. Your dedication and hard work over the last few months to develop recommendations for the planning of our new middle school have been exceptional. You performed an invaluable service for the benefit of all our students and our community.

I am enclosing a copy of the recommendations that were presented to the School Board on March 18, which recaps your work. Although much time and effort has already been expended in planning for our future, our work is not quite finished. It is my hope that you will help with the building based work on the bond campaign and boundary reconfiguration committee in the future after the bond is passed.

Again, thank you for your time and input. I look forward to reconvening our group to review the boundary issues and our most current demographics following passage of the bond. In the meantime, I cannot tell you how much I appreciate your support.

Sincerely,

Deborah L. Sommer
Superintendent

DS:kc

Encl.

Long Term Boundary Issues

March 18, 2004

I. Facility Task Force I Recommendations to the Board in May 2001

- Students at Trost/Lee would go to Ackerman Middle School
- Students at Eccles and Knight will attend the new middle school
- Carus would be assigned to the middle school with the most space available
- Recommendations regarding proposed boundaries should be confirmed prior to passage of the bond

II. Demographic Changes Between 2001 and 2004

If the Task Force Phase I recommendations are followed as originally proposed, the following impacts are predicted:

- 2004 bond to relieve overcrowding results in Trost already at capacity by 2006, the year the new schools open.
- Enrollment is skewed with Trost with high ELL/poverty enrollment with significantly higher income/less diversity at Lee.
- If portables at Knight are removed, available space at Knight is projected at only 89 students by 2008.

III. Facility Task Force II Recommendations

- The committee believes that it is still likely that attendance areas will be Trost/Lee at AMS and Eccles/Knight/Carus at new middle school. It will be necessary, however, to expand the proposed Lee boundary into the current Trost boundary to shrink Trost enrollment and to better balance the demographics between the two elementary schools.
- The committee believes that it is premature to set firm boundaries for AMS and the new middle school at this time. Changes in demographics have been significant enough in three years to require a redefining of the current Trost/proposed Lee boundaries recommended by the original Task Force in 2001. Between now and 2006, when the new schools are scheduled to open, additional growth will occur. Proposed boundaries need to be continually evaluated with the Board making a final decision regarding elementary/middle school boundaries during the 2005-2006 school year.

Brian Howarth - PRESS RELEASE

From: Brian Howarth
To: dhowell@eaglenewspapers.com
Subject: PRESS RELEASE
CC: scheaferk@canby.ci.or.us

*Canby
For
FBI
MCS*

INJURY ACCIDENT/ AUTO-PEDESTRIAN

At 8:49AM on Tuesday, April 13, 2004, Canby Medics and Canby Police responded to a reported injury traffic accident on NW 4th street between N. Grant and N. Fir. Investigation revealed that two children (brother and sister), a boy age 9 and a girl age 6, ran out in front of a east bound vehicle traveling on NW 4th and were struck by the automobile. Canby Police Traffic Officer Anthony Spencer determined that the children, students at Knight Elementary school, had darted into the street between parked cars, and were hit by a single 19 year-old female motorist.

The children, whose injuries were not life threatening, were transported by Canby Fire Department officials to Willamette Falls Hospital.

The driver of the vehicle was not cited and investigation indicated she was not at fault.

SEX ABUSE / HARASSMENT ARREST

On Tuesday, April 13, 2004, Canby Police Detective Doug Kitzmiller arrested **Mauricio Resendis-Romero**, 31, of Canby on two counts each of Sexual Abuse II and Harassment.

The investigation stemmed from allegations of two adult female employees of the Cottage Kitchen (314 NW 1st-Canby), who stated they were sexually touched by Resendis-Romero who was employed at the establishment as a cook. The inappropriate touching occurred while the females and the suspect were working.

The case has been referred to the Canby City Attorney for further action. Resendis-Romero was lodged in the Clackamas County Jail on a combined bail of \$22, 500.

Sgt. Brian Howarth
Canby Police Department PIO
503/793-3538
503/201-0120- pager